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LABOR POLICIES OF THE NATIONAL ASSOCIATION OF MANUFACTURERS

By

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TO MY MOTHER
ELVA CELESTA TAYLOR

PREFACE

The development and behavior of employers' associations in the United States is a subject which has received relatively little attention as compared with that accorded labor organizations. The National Association of Manufacturers, the largest non-trade employers' association in the country, has received no adequate notice. Its vigorous activities in opposition to the practices of trade unionism are of sufficient importance to justify this research.

An attempt is here made to enumerate the forces responsible for the Association's existence, and to study critically its purposes, policies, and methods, as they relate to labor. To this end it has seemed necessary to present a historical survey, followed by the purposes as set forth in the Association's constitution, the labor policies embodied in its "Declaration of Principles" and later pronouncements, the legislative and propaganda methods employed, something of the organization's achievements, and a criticism of its policies and methods.

The Proceedings of the . . . Annual Convention of the National Association of Manufacturers proved to be the most valuable source, though many other publications of the Association were examined, particularly the files of *American Industries*. The libraries visited in making this investigation include the Library of Congress, the Reference Library of the United States Department of Labor, the Reference Library of the National Association of Manufacturers in New York City, and the Library of the University of Illinois.

The writer wishes to acknowledge his indebtedness to Nathan B. Williams, Associate Counsel of the National Association of Manufacturers, and to Noel Sargent, Manager of its Industrial Relations Department, for providing access to valuable material existent only in the New York and Washington offices. To Mr. Sargent acknowledgment is also due for his constructive criticism and reading of the manuscript. The author owes to Professor Gordon S. Watkins of the University of California at Los Angeles his first interest in this subject, and is indebted to Professor

Edward Berman of the University of Illinois for reading the manuscript and offering many helpful suggestions, but thanks are especially due to Professor Ernest L. Bogart of the University of Illinois for his constant encouragement in the preparation of this work.

ALBION GUILFORD TAYLOR

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CHAPTER I

STRUCTURAL AND FUNCTIONAL DEVELOPMENT

Out of the struggle between the forces of organized labor and organized "business" a structural and functional parallelism has arisen.¹ Local, regional, national, and international employers' associations parallel the corresponding organizations of labor. The structure may be based upon a craft or upon a combination of crafts or trades. General alliances and citizens' associations correspond to the general labor union, while coal operators and publishing associations are typical of the industrial form. Functionally the comparison is equally striking. Business, uplift, and predatory types exist. Some writers would simplify the analysis by a two-fold comparison, the first group of employers' associations being those organized primarily to deal collectively with unions, while the second are hostile to unionism and the principle of collective bargaining.² One type has as its chief goal the maintenance of industrial peace, while the other wants peace only when it can be secured without sacrificing certain anti-union principles.³ The latter group is composed of militant employers' associations, which, because of their extreme conservatism and bitter opposition to unionism, may be classed as the belligerent type.

THE NATIONAL ASSOCIATION OF MANUFACTURERS CHARACTERIZED IN RELATION TO OTHER TYPES OF EMPLOYERS' ASSOCIATIONS

The National Association of Manufacturers, aided by the National Industrial Council⁴ and the League for Industrial Rights,⁵ is illustrative of those associations which manifest at times extreme hostility to trade unionism. Structurally the National Association of Manufacturers bears no resemblance to any national labor organization, since its membership is confined exclusively to local or single manufacturers. It differs in structure from the American Federation of Labor, which, aided by the great railway brotherhoods, is its chief opponent. There is in

¹Hoxie, R. F., *Trade Unionism in the United States*, p. 189.

²Watkins, G. S., *Introduction to the Study of Labor Problems*, p. 394.

³Adams and Sumner, *Labor Problems*, p. 281.

⁴Formerly the National Council for Industrial Defense.

⁵Formerly the American Anti-Boycott Association.

the National Association of Manufacturers nothing comparable to the state, national, or city central organizations forming so large a part of the American Federation of Labor. Functionally these organizations have more in common; the National Association of Manufacturers serving, like the American Federation of Labor, a large group of autonomous units which differ widely in industrial pursuits but have a common interest in the maintenance of favorable trade conditions and industrial relations, with centralized influence in the fields of propaganda and legislation.

ORIGIN AND EARLY LEADERSHIP

The first effective proposal that the manufacturers of the country organize came, it would appear, from the editor of a southern industrial journal, the *Dixie Manufacturer* of Atlanta.⁶ This aggressive leader, Thomas H. Martin, urged the manufacturers through his editorials to combine, and definitely chose the first time and place of meeting.⁷ He has been referred to as the founder of the organization, but unlike many other national movements the early leadership seemed vested not in one individual but in the cooperative effort of several. In fact the southern editor soon disappeared from the picture, and Col. Thomas P. Egan stood forth as the leading figure when the manufacturers assembled for organization at Cincinnati in January, 1895. The former has been referred to as the "father of the thought" and the latter as the "father of the organization."⁸ Mr. Egan was the chairman of the Cincinnati committee of business men which provided largely for the expense of the first national meeting and formally called the convention. He was elected chairman of the temporary organization, later permanent chairman, and finally president of the convention. Among those who called the organization into being were President William McKinley and Senator Foraker of Ohio. Thomas

⁶Souvenir Album of Atlanta issued by the City and Chamber of Commerce in compliment to the National Association of Manufacturers; cf. "The Nation's Industry in Convention," *N. A. M. Bulletin*, October 5-7, 1926, p. 3.

⁷*American Industries*, May, 1913, p. 33 (Abbreviated, *Am. Ind.*).

⁸*Proceedings of the . . . Annual Convention of the National Association of Manufacturers*, 1920, p. 1 (Abbreviated, *Proc. N. A. M.*, 1920).

Dolan, of Philadelphia, was elected the first president of the association.⁹

CAUSES UNDERLYING THE NON-MILITANT ATTITUDE OF THE
ORGANIZATION FROM 1895-1902

In the recorded utterances of these early leaders there is to be found hardly a note of hostility toward organized labor. Such a policy of opposition did not appear until 1902,¹⁰ the early years being largely devoted to tariff reform and the promotion of foreign trade. This change in policy may have been due to new leadership,¹¹ or more fundamental forces may have been operative.

The modern employers' association did not appear until 1886 when the Stove Founders' National Defense Association was organized, and the important national strikes of the decade that followed tended to cement employers in a common effort to stay the rising tide of organized labor. A superior neutralizing force, however, set in during the nineties which led to the temporary development of negotiatory rather than belligerent associations. This manifested itself in trade agreements which were especially common to the period from 1898 to 1902. This period of wars, the Spanish-American and the Boer wars, was comparable to the period of the Great War in that it artificially stimulated commerce and brought prosperity to certain manufacturers. The trade agreement offered the means whereby skilled labor so much in demand could be secured and held with that degree of certainty which made possible accurate cost calculations. Early in this century, however, dissatisfaction arose on the part of certain employers' associations, and in several notable instances organized labor was accused of failure to keep faith under the trade agreements. This led some of the older employers' associations to drop their trade agreement policy and adopt one of hostility to unionism. This experience came to the

⁹*N. A. M. Bulletin*, *op. cit.*, p. 27, 29, 106.

¹⁰"Eight Hours for Laborers on Government Work," *Hearings before the Committee on Education and Labor, U. S. Senate*, 1902, p. 23, 24; cf. *Am. Ind.*, November 2, 1903, p. 8, *Proc. N. A. M.*, 1904, p. 116; 1907, p. 13, 14.

¹¹Gompers, Samuel, *Labor and the Employer*, p. 51.

National Metal Trades Association in 1901, when it ceased its attempt to operate under a trade agreement with the Machinists' Union.¹² Likewise the National Founders' Association became belligerent toward the Iron Moulders' Union in 1904,¹³ and a similar course was taken by the National Erectors' Association in its dealings with the International Association of Bridge and Structural Iron Workers after 1905.¹⁴

This antagonistic spirit on the part of leading trade organizations seemed to spread to non-trade associations, for by 1902 the National Association of Manufacturers was actively opposing the methods of organized labor, as did also the American Anti-Boycott Association. National employers' associations, organized early in this century, were in most cases opposed to unionism from their inception. This was true of the American Anti-Boycott Association, now the League for Industrial Rights, and the Citizens' Industrial Association of America, organized respectively in the years 1902 and 1903. These trade and non-trade employers' associations are representative of those which now resist collective bargaining and recognition of the unions, on the theory that where the complete autocracy of the employer is preserved the interests of all are better cared for than under any scheme of industrial democracy yet devised. This conclusion has not been reached by deductive reasoning alone. Several writers have shown that it is based primarily upon a wealth of experience, for, among the employers' associations most active in opposing the growth of unionism, are those which, after giving the system of trade agreements a trial, have found them unsatisfactory.¹⁵

The National Association of Manufacturers changed its attitude toward organized labor in conformity with the tendency of the time. Originally organized to promote export trade in manu-

¹²Willoughby, W. F., "Employers' Associations for Dealing with Labor in the United States," *Quarterly Journal of Economics*, Vol. XX, p. 119 *et seq*.

¹³Stecker, Margaret L., "The National Founders' Association," *Quarterly Journal of Economics*, Vol. XXX, p. 353, 354.

¹⁴Willoughby, W. F., *op. cit.*

¹⁵Stecker, Margaret L., *op. cit.*, p. 353; also Gary, Elbert H., "The Public Be Informed," *World's Work*, December, 1926, p. 203, 204.

factured goods from the United States,¹⁶ to foster commercial education,¹⁷ with no defined labor policy,¹⁸ the Association in 1902 launched an anti-union program which has since varied only in the methods employed in its execution. It should be noted that this was not a complete reversal of the Association's program. Rather its new labor policy should be characterized as an added feature which has come to occupy the center of the stage of its activities.

The display of a new and unfriendly spirit toward organized labor after 1902 was considered by some to be but the revitalizing of an original purpose lying dormant for several years, but nevertheless fundamentally the *raison d'être* of the organization. This inference might be made from the following statement, made by a leading southern manufacturer in addressing his fellow members at the 1904 convention:

The National Association of Manufacturers had its origin in . . . the brain and heart of . . . Thomas H. Martin . . . who . . . conceived the idea that it was time that the manufacturing interests of this

¹⁶The methods to be employed in the extension of export trade were as follows:

(a) The sending of commissions of experts to foreign countries to study and report upon their industrial conditions and requirements.

(b) The dispatch of competent salesmen, speaking the language, to the countries, to supply their wants.

(c) The establishment of sample warehouses in all the commercial centers of Europe and the East.

(d) The restoration of the American Merchant Marine.

(e) The substitution, as far as possible, of specific for ad valorem duties in the tariff.

(f) The conclusion of commercial treaties on the basis of reciprocity; *Circular of Information of the N. A. M., No. 18, p. 2; No. 17, p. 2, 3; Proceedings of the National Reciprocity Convention held under the auspices of the N. A. M., Washington, November 19, 20, 1901.* As early as 1896 the National Association of Manufacturers was active also in an effort toward the establishment of a Federal Department of Commerce and Manufactures; *Circular of Information of the N. A. M., No. 4.*

¹⁷*Am. Ind.*, November 2, 1903, p. 8; May 15, 1908, p. 21; *Proc. N. A. M.*, 1897, p. 92, 93; 1898, p. 20-22, 62; 1900, p. 115-118, 153; *Circular of Information of the N. A. M., No. 40, p. 19.*

¹⁸No mention is made of industrial relations in the original draft of purposes of the National Association of Manufacturers as published in 1896. *Circular of Information of the N. A. M., No. 1, June 15, 1896; Proc. N. A. M., 1920, p. 106.*

country should be organized and consolidated. Labor was already united, labor was moving as one man; labor in splendid phalanx-like precision was moving like an army to the accomplishment of its great design. Capital was disorganized, had no coherent force, had no definite, united policy to interpose against the aggressions that might be made upon its interests. Therefore he resolved that the time had come when to be disorganized was to be demoralized, and to be demoralized was to be damned; that the discipline of an army was no more important than the organization of industry.¹⁹

Again it might be mentioned that without doubt a contributing cause for the docile behavior of the organization in its early history lay in its structural weakness. At first it appeared as a voluntary organization with no binding charter and a comparatively small membership.²⁰ It barely lived through the first year of its existence.²¹

TECHNIQUE OF ORGANIZATION: CONSTITUTION

The first constitution was drawn up at the first annual convention, held January 21, 1896, in Chicago, at which time the name "The National Association of Manufacturers of the United States of America" was adopted.²² The original draft of the constitution contained but six brief articles relating to membership, officers, meetings, executive committee, dues, and amendments.²³ Minor amendments were made at several conventions prior to 1908, when a new constitution was drawn up, which has in turn been amended five times.²⁴

MEMBERSHIP

In 1905 the Association was chartered as a membership corporation under the laws of the State of New York. It was not organized along the lines of any single industry but solicited

¹⁹*Proc. N. A. M.*, 1904, p. 243, 244.

²⁰In 1897 there were less than 900 members. *Circular of Information of the N. A. M.*, No. 17, April 24, 1897, p. 2.

²¹*Am. Ind.*, May 15, 1908, p. 23.

²²The initials of the Association's full name form its code name, "Namusa."

²³*Circular of Information of the N. A. M.*, No. 1, June 15, 1896.

²⁴*Constitution and By-Laws of the National Association of Manufacturers*, adopted at the 13th Annual Convention, 1908; also see "Amendments" in *Proc. N. A. M.*, 1910, p. 76-77, 292; 1913, p. 86; 1919, p. 182; 1922, p. 143; 1925, p. 300.

membership from individuals, partnerships, and corporations engaged in all kinds of manufacturing. There are at present (1927) 3,090 active and associate members. Active members are those engaged in manufacturing in the United States and comprise the large majority, while associate members are those not so engaged.²⁵ Individuals, firms, or corporations not eligible to active membership may be admitted to associate membership upon the payment of the same dues imposed upon active members. Such members have the privilege of the floor at conventions, but are not entitled to vote.²⁶ The largest membership which the organization has had was in 1921, when there were over 5,000 active and associate members. This was an increase of forty-seven per cent over 1918.²⁷ The decrease of nearly two-fifths in the last five years has several contributing causes, among which are an increase in dues, certain internal dissensions, and a corresponding decrease in its opponent's numerical strength.

Chart I shows the membership from the time of the Association's first annual convention in 1896 to that of 1926. The notable increase in membership in 1903 and 1904, and again in the war and post-war period, bears a close resemblance to like increases in the membership of the American Federation of Labor, as is shown in Chart II. Each of these opposing organizations shows approximately forty per cent decrease since 1921.

Table I represents the membership of the National Association of Manufacturers by states. New York heads the list with 663 members, followed by Pennsylvania, 471, and Ohio, 345. Other strong industrial states of the northeast and north-central regions follow with large numbers, while the wheat lands of the Dakotas, Nebraska, and Kansas, the Old South and the Mountain States, are scarcely represented. The only states west of the Mississippi having more than twelve members are California, 55, and Missouri, 92. Mississippi, South Carolina, and Utah each have but one member.

²⁵*Constitution and By-Laws of the National Association of Manufacturers*, 1922, p. 4; cf. *Proc. N. A. M.*, 1908, p. 131.

²⁶*Constitution and By-Laws of the National Association of Manufacturers*, 1922, p. 4, 11.

²⁷*Proc. N. A. M.*, 1921, p. 108, 109.

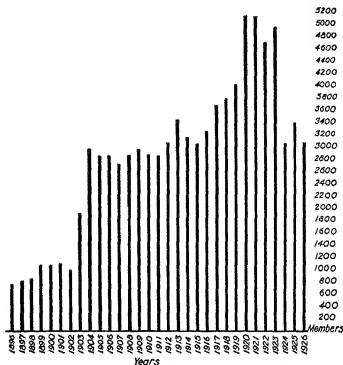


CHART I.

In classifying the membership of the National Association of Manufacturers by industries, it is shown in Table II that nearly one-third of the members manufacture specialties, while 422 are in the textile industry, and 367 manufacture machinery. Other leading industries represented are paper and paper goods, lumber and woodwork, iron and steel, graphic arts, food products, electrical goods, chemicals, including paints, and automotive products.

GOVERNMENT

The Board of Directors consists of not more than thirty members, including the President, the Treasurer, and Vice-Presidents from each of the fifteen states having the largest reported membership in the Association upon election day of the

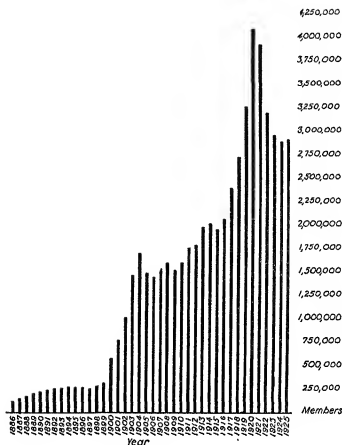


CHART II.

annual meeting,²⁸ and six Directors-at-large. Three other Directors-at-large may be appointed by the President, with the approval of the Board of Directors, from states or territories not otherwise represented on the Board. It is also provided that each ex-President retaining membership in the Association

²⁸These states in 1926 were California, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin.

TABLE I.
MEMBERSHIP BY STATES—NATIONAL ASSOCIATION
OF MANUFACTURERS

September, 1926*

<i>States</i>	<i>Number of Members</i>	<i>States</i>	<i>Number of Members</i>
Alabama.....	23	Nebraska.....	4
California.....	55	New Hampshire.....	5
Colorado.....	4	New Jersey.....	204
Connecticut.....	160	New York.....	663
Delaware.....	12	North Carolina.....	2
Georgia.....	18	Ohio.....	345
Idaho.....	3	Oregon.....	8
Illinois.....	229	Pennsylvania.....	471
Indiana.....	81	Rhode Island.....	71
Iowa.....	25	South Carolina.....	1
Kentucky.....	27	Tennessee.....	52
Louisiana.....	3	Texas.....	4
Maine.....	10	Utah.....	1
Maryland.....	19	Vermont.....	5
Massachusetts.....	198	Virginia.....	9
Michigan.....	130	Washington.....	12
Minnesota.....	13	West Virginia.....	13
Mississippi.....	1	Wisconsin.....	117
Missouri.....	92	Total.....	3090

*Letter and manuscript from the Manager of the Industrial Relations Department of the National Association of Manufacturers, December 1, 1926.

shall be a member of the Board of Directors.²⁰ An Executive Committee of five, chosen by the Board of Directors from its members, has full power delegated to it during the interim between the Board meetings.³⁰ The annual meeting of the Association is held in October,³¹ when officers are elected, business transacted, and departments make reports.

FINANCIAL STRUCTURE, NATIONAL MANUFACTURERS' COMPANY

The members pay one hundred dollars annual dues,³² and have equal voting power at the conventions. The democracy of management is still further secured through the choice of Vice-Presidents by the different state delegations. The President, Vice-

²⁰At present (1927) there are no ex-Presidents living.

³⁰*Constitution and By-Laws of the National Association of Manufacturers*, 1922, p. 7.

³¹Prior to 1925, in May.

³²The dues were changed from fifty to one hundred dollars in 1923; cf. *Proc N. A. M.*, 1924, p. 10.

TABLE II.
MEMBERSHIP CLASSIFIED BY INDUSTRIES—NATIONAL
ASSOCIATION OF MANUFACTURERS

September, 1926*

Industries	Number of Members	Industries	Number of Members
Agricultural Implements....	17	Hides and Leather.....	33
Asbestos Products	4	Iron and Steel...	108
Automotive Products... . .	96	Lumber and Woodwork.....	174
Brushware.	9	Machinery.	367
Cement, Stone, etc.	34	Moving Pictures and Apparatus.	3
Chemicals (Including Paints, etc.)	186	Paper and Paper Goods	106
Clay Products...	52	Petroleum, etc.	6
Coal	19	Rubber and Rubber Goods	28
Contractors	18	Shoes and Leather Goods.....	57
Electrical Goods.....	87	Specialties.....	974
Food Products.....	117	Textiles...	422
Furs.....	6	Tobacco.....	9
Glass and Glassware... . .	38	Total.. . . .	3090
Graphic Arts...	98		
Hats and Millinery.	22		

*Letter and manuscript from the Manager of the Industrial Relations Department of the National Association of Manufacturers, December 1, 1926.

Presidents, and the Directors serve without compensation.³³ The Association "is not organized for pecuniary benefit" and so cannot make or declare dividends.³⁴ Its business corporation, the National Manufacturers' Company, the stock of which is owned by the National Association of Manufacturers, functions as a fiscal agent.³⁵ It has published for many years a monthly magazine under the title *American Industries*,³⁶ and issues periodically the *American Trade Index* containing alphabetically arranged paragraphs relating to the business and products of its many members. This index is prepared in several foreign languages, and sent to prominent merchants and buyers in foreign countries. The National Manufacturers' Company has, in addition to the publication of a mass of other literature, financed domestic

³³The President now receives a salary as a recompense for duties formerly borne by the Business Manager, since that office has been discontinued.

³⁴*Constitution and By-Laws of the National Association of Manufacturers*, 1922, p. 4.

³⁵"A Quarter Century of Service," *N. A. M. Bulletin*, 1919, p. 5.

³⁶The title was changed to *Pocket Bulletin* in January, 1926, and it has been reduced much in size.

and foreign investigations relating to industrial education, workmen's compensation, accident-preventing devices, health and insurance, and employment services. The National Association of Manufacturers maintains its general office in New York City in connection with that of the National Industrial Council, a legislative wing at Washington, D. C., with a third office operated on a small scale at the home of the President.⁸⁷

DEPARTMENTS: TRADE, LAW, PUBLICITY,
INDUSTRIAL RELATIONS

The work of the National Association of Manufacturers has been organized under four departments, Trade, Law, Publicity, and Industrial Relations. The trade Department is a re-organization of what was formerly called the "Foreign Trade Department." This is the oldest department, and in early years embraced most of the functions of the organization. Today the scope of its activities is indicated in its formation of four bureaus: first, the Bureau of Trade Advisers, for the Latin American, European, Asiatic, and Domestic divisions; second, the Bureau of Information, dealing with facts concerning foreign and domestic laws of commerce, customs tariffs, trade mark registrations, and research; third, the Credits Bureau, making investigations as to the credit of foreign and domestic buyers, and the status of disputed accounts; and finally, the Translation Bureau, embracing the Latin, Teutonic, and Oriental languages.⁸⁸ These bureaus and their subdivisions are headed by a staff of experts who are in constant communication with a corps of over two thousand correspondents located in every city and town of commercial importance in foreign lands.

"This is now (1927) located at Nashville, Tenn., the home of President Edgerton. There are about seventy employees in the three offices. The base of operations in New York is conveniently located in the Hudson Terminal Building, and provides commodious quarters for members to meet business associates or customers, hold committee meetings, and conduct correspondence. Members also find here at their service stenographers, interpreters, translators, trade advisers, statisticians, patent and trademark advisers, industrial relations experts, organization specialists, and a reference library.

⁸⁸"The Functions of the National Association of Manufacturers, 1895-1925," *N. A. M. Bulletin*, 1925, p. 22.

In 1919 the Trade Department formed the Namusa Corporation for the purpose of helping members who might wish to avail themselves of the privileges granted by the Webb-Pomerene Law of 1918. The preliminary work of organization and incorporation was conducted under the auspices of the National Association of Manufacturers, and at its expense, but was then turned over to its stockholders as a separate entity.³⁹

The Law Department, organized in 1899,⁴⁰ is maintained to sponsor all legislation favorable to the manufacturers, and to obstruct the passage of all bills thought to be unfavorable to their interests. It also assumes the responsibility of keeping members informed with regard to impending legislation or judicial interpretations of vital concern to business.

For the purpose of ever keeping before the public the ideals and endeavors of the National Association of Manufacturers, the Publicity Department is operated. Among other activities, this department is in constant contact with the daily newspapers, with press associations, with special correspondents, arranging for the publication of feature articles in leading magazines. It provides material for special editorials, arranges for speakers for the conventions of the Association and those of affiliated bodies, and directs the publication of the periodicals and special bulletins of the organization.⁴¹

The Industrial Relations Department was formerly called the Open Shop Department, and has recently been referred to at times as the Employment Relations Department. It lies with this division to foster better relations between the employer and employee—a specific purpose of the organization, named in its constitution. "To protect individual liberty and rights of employer and employee"⁴² constitutes still another avowed purpose of the Association, the responsibility for which has been assumed jointly by the Law and Industrial Relations Departments.

³⁹*Proc. N. A. M.*, 1919, p. 251; 1922, p. 146.

⁴⁰*Ibid.*, 1901, p. 17.

⁴¹"The Functions of the National Association of Manufacturers, 1895-1925," *N. A. M. Bulletin*, 1925, p. 15.

⁴²*Constitution and By-Laws of the National Association of Manufacturers*, 1922, p. 3.

With a recognition of the growing importance of women in industry and their influence in political and educational affairs, the first National Conference of Women in Industry was held under the auspices of the National Association of Manufacturers at the latter's Convention of 1925.⁴³ Out of this Conference a Women's Bureau was formed which now constitutes a division of the Industrial Relations Department. The purpose of this Bureau is, "first, to advise with the member manufacturers with regard to those problems which are peculiar to the employment of women in factories and, second, to inform more fully the women of the country with regard to the policies and the methods and ideals of the manufacturers of this country."⁴⁴

INTERRELATIONS: REPRESENTATIVES, ENDORSEMENTS,
COOPERATION, AFFILIATIONS

The interrelations between the National Association of Manufacturers and other employers' associations are many and varied in character. Leading officials of the Association have during the last twenty years delivered many addresses before such bodies as state manufacturers' associations, local employers' associations, national trade associations, chambers of commerce, citizens' leagues, and state bankers' associations, while representatives of these bodies have in turn been accorded a hearing at meetings of the National Association of Manufacturers.⁴⁵ The body before which the address is made usually opens freely the pages of its journal for the publication of the speech. This has supplied a partial index to tendencies toward cooperative action which might otherwise be less apparent.

Another phase of the Association's relationship with friendly units has been its endorsement or commendation of the American Anti-Boycott Association, now the League for Industrial Rights,⁴⁶ the Citizens' Industrial Association of America,⁴⁷ the National Founders' Association, and the National Metal Trades

⁴³*Proc. N. A. M.*, 1925, p. 21.

⁴⁴*Ibid.*, 1926, p. 81.

⁴⁵Bonnett, C. E., *Employers' Associations in the United States*, p. 362-364.

⁴⁶*Proc. N. A. M.*, 1910, p. 134, 1915, p. 172.

⁴⁷*Ibid.*, 1904, p. 235.

Association.⁴⁸ A resolution passed at the 15th Annual Convention of the National Association of Manufacturers will serve to illustrate the type of approval placed upon the work of these sister organizations:

That the National Association of Manufacturers in convention assembled, does hereby earnestly commend and heartily congratulate the American Anti-Boycott Association for the persistency and fearlessness with which it has carried on its righteous crusade, and extends to it the assurance of its felicitations and its earnest hope that it may make permanent in our country the principles for which it steadfastly stands.⁴⁹

These organizations thus approved reciprocate by similar commendation of the work of the Manufacturers' Association.⁵⁰

There has been distinct cooperation among these organizations in opposing legislation desired by labor unions and unwelcome to employers. The cooperation of the National Association of Manufacturers, the National Metal Trades Association, and the National Founders' Association in opposition to the Eight-hour Bill before Congress in 1912 is illustrative.⁵¹ Cooperation often takes on another very tangible form when associations combine to break strikes. The officers of the National Association of Manufacturers, for example, assisted the local Employers' Association in breaking the Grand Rapids furniture strike in 1911.⁵²

Interrelations through exchange of officers is common. Interlocking directorships appear constantly with the National Association of Manufacturers, the National Metal Trades Association, state manufacturers' associations, and employers' associations in various cities. A former president of the National Association of Manufacturers was at the same time president of the Dayton Employers' Association,⁵³ and had at one time been a member of the administrative council of the National

⁴⁸*Ibid.*, 1906, p. 178.

⁴⁹*Ibid.*, 1910, p. 134.

⁵⁰*Am. Ind.*, July 15, 1904, p. 2.

⁵¹Synopsis of the *Proceedings of the . . . Annual Convention of the National Metal Trades Association*, 1912, p. 26; also *Eight-hour Law Hearings before the Committee on Education and Labor, U. S. Senate*, 1912, p. 271.

⁵²*Proc. N. A. M.*, 1912, p. 42, 43.

⁵³*Report of the President and Secretary for the year 1907, Employers' Association of Dayton, Ohio*

Metal Trades Association.⁵⁴ This would appear to be a settled practice with the officers of the National Association of Manufacturers.⁵⁵ Members of these national bodies are also commonly members of two or more affiliated units.⁵⁶ There has been much overlapping in the membership of the National Association of Manufacturers and the National Metal Trades Association.

Interrelationships through affiliations have undoubtedly developed most through the initiative of the National Association of Manufacturers. When at its annual meeting at New Orleans in 1903 President Parry made the question of the relations between labor and capital, and particularly that of the "open shop," the leading topic of his address, he set in motion a renewed movement toward united action among employers.⁵⁷ This speech condemned the practices of trade unions, and dilated upon the dangers which were believed to be involved in the trade union movement to such an extent that Mr. Parry and his Association immediately became in public estimation the head of the anti-union movement. It became apparent that if the fight against the union shop, the boycott, picketing, and the strike were to be effective some central national body with wide representative powers must be created. Then, too, the same body might provide political and legislative influence against the growing tendency on the part of organized labor to demand exemption from prosecution under the Sherman Anti-Trust Law and from liability under injunctions.

The National Association of Manufacturers was not altogether suited for this purpose. It had been organized for many purposes, and its membership might not consider an appropriation of dues for the purpose of attacking labor unions entirely justifiable. Moreover it was but one, though perhaps the most powerful one, of a great number of employers' associations, and thus was not sufficiently representative. The unifying influence of a common antagonism to certain forms of labor legislation convinced the officers of the National Association of Manufacturers

⁵⁴*Open Shop Review*, May, 1907, p. 225.

⁵⁵*Am. Ind.*, June, 1915, p. 32.

⁵⁶*Proc. N. A. M.*, 1904, p. 239.

⁵⁷*Ibid.*, 1903, p. 14-63.

that this latent power might be brought to an effective focus. It was consequently decided to create a separate organization to fill this need. A call was sent out to all officers and members of employers' associations and citizens' alliances to meet October 29, 1903, in Chicago, to create the desired organization. The outcome was the formation of the Citizens' Industrial Association of America, with Mr. Parry as its first President, and Marshall Cushing, Secretary of the National Association of Manufacturers, as its Secretary.⁵⁸ This organization, now defunct, was the first agency through which the National Association of Manufacturers affiliated with other national and local units in its budding program of extensive interrelationships.⁵⁹

Since the annual convention of 1904, several efforts have been made to affiliate or federate the national and local associations of employers in particular trades in such a manner as to make the general body stand in relation to them as the American Federation of Labor does to the national and local labor units.⁶⁰ The goal has been reached to some degree through the National Industrial Council about to be described. This organization is restricted, however, to serving only as a common channel for legislative influence. It is not fitted nor authorized to perform the technical functions of the directing head of local and national associations, which as business bodies adjust conditions of labor with analogous bodies of employees.

Another conspicuous illustration of the tendency to form affiliations is the organization of the Safety Sanitation Conference Board, composed of delegates from the National Association of Manufacturers, the National Metal Trades Association, the National Founders' Association, and the National Electric Light Association.⁶¹ Perhaps no effort toward affiliation has proven more effective in the dissemination of the principles for

⁵⁸Willoughby, W. F., *op. cit.*, p. 117, 118; Keith, John, "The New Unions of Employers," *Harpers Weekly*, January 23, 1904, p. 130-133.

⁵⁹*Citizens' Industrial Association of America, Bulletin No. I*, p. 2-11; *Proc. N. A. M.*, 1904, p. 26, 27, 201, 202.

⁶⁰Such attempts were made in 1904, 1907, 1914, 1916, 1920, and 1923. *Proc. N. A. M.*, 1904, p. 25, 118, 119, 122, 129; 1907, p. 43, 44; 1914, p. 59; 1916, p. 78, 79, 215; *Am. Ind.*, February 1, 1907, p. 15; June 1, 1907, p. 11.

⁶¹*Proc. N. A. M.*, 1914, p. 7, 80.

which employers' associations stand than its participation in the work of the National Industrial Conference Board.⁶² Created in 1916 as a research organization engaged solely in making investigations in industrial economics and the publication of its studies, it asserted its purpose to stand between the employer and employee without partisanship.⁶³ This informal federation is now composed of over thirty national and state employers' associations, among which are such bodies as the National Founders' Association, the National Metal Trades Association, the National Erectors' Association, the United Typothetae of America, the National Association of Manufacturers, and the National Industrial Council. President Mason stated that "the National Industrial Conference Board is a means through which the activities and interests of its constituent members may be coordinated so as to have a voice of cumulative force and potency."⁶⁴

The National Association of Manufacturers established a wide affiliated interest through its membership in the Chamber of Commerce of the United States.⁶⁵ Although the Manufacturers' Association aided much in the formation of the Chamber of Commerce and consequently expected much from it,⁶⁶ the heterogeneous composition of the latter often caused the interests of the two organizations to be at variance with one another,⁶⁷ and led to the formal withdrawal of the National Association of Manufacturers in 1922.⁶⁸

⁶²Cf. Carlton, F. T., *The History and Problems of Organized Labor*, p. 97.

⁶³Memorandum from the National Industrial Conference Board; see also "A Federation of American Industries," *National Industrial Conference Board Bulletin*, April, 1919, p. 6, 7.

⁶⁴*Proc. N. A. M.*, 1919, p. 144.

⁶⁵It was in the joint name of the Cincinnati Chamber of Commerce and the Convention League of Cincinnati that the call to the first Convention in 1895 was made.

⁶⁶*Proc. N. A. M.*, 1913, p. 81.

⁶⁷*Ibid.*, 1916, p. 216; 1920, p. 131.

⁶⁸*Ibid.*, 1923, p. 18, 21. Its membership in the International Chamber of Commerce is still retained.

NATIONAL INDUSTRIAL COUNCIL

The crowning accomplishment of the manufacturers in their effort to create a permanent unification of the employers' associations under a single leadership came with the birth of the National Council for Industrial Defense in 1907. This organization originated as the result of a conference called by President Van Cleave of the National Association of Manufacturers, at which representatives of about seventeen of the most powerful of the employers' associations gathered.⁶⁰ In referring to this conference, President Van Cleave described it later thus:

I called a meeting of representatives of a number of various organizations here at the Waldorf-Astoria, and after several meetings we finally succeeded in getting a simple working-plan. We realized the undesirability of multiplied associations, and we finally adopted the plan that, working under the auspices of the National Association of Manufacturers, we would ask of these various organizations, both national and state, and of the local boards of trade and associations of business men to authorize this council movement, which we designated the National Council for Industrial Defense, to authorize us to represent them. The National Association of Manufacturers becomes primarily, but not fully, the financial representative. We have asked no specified sum of money from any one . . . I accepted the chairmanship of this National Council for Industrial Defense, and the Council has no other officials. Full power was given to me by those present to employ such assistance as we might need from time to time.⁶¹

The administrative power of the Council is now vested in a self-perpetuating committee of three—a chairman or executive secretary, a treasurer, and a counsel. These three, together with two others chosen by the chairman, constitute the Executive Committee. An Advisory Committee, consisting of active execu-

⁶⁰Included among these were the American Anti-Boycott Association (League for Industrial Rights), the American Cotton Manufacturers' Association, the American Hardware Manufacturers' Association, the National Association of Implement and Vehicle Manufacturers, the National Association of Cotton Manufacturers, the National Erectors' Association, the National Founders' Association, the National Metal Trades Association, the National Association of Manufacturers, and the United Typothetae of America. "Organized Industry," *National Industrial Council Bulletin*, p. 10, 11.

⁶¹*Proc. N. A. M.*, 1908, p. 295.

tives of affiliated state associations, meets semi-annually with the Executive Committee in joint conference for the purpose of initiating suggestions as to the methods and policies of the Council. These proposals are later acted upon by the Executive Committee.⁷¹ From the beginning, James A. Emery has been retained as counsel. He has also acted continuously as General Counsel for the National Association of Manufacturers since 1907. The President of the National Association of Manufacturers acts as Chairman of the Executive Committee of the Council. The other members of the Executive Committee are always leading officials of the National Association of Manufacturers.⁷²

Since the name "National Council for Industrial Defense" bore marked resemblance to the government's war-time Council for National Defense the name was changed in 1919 to "National Industrial Council."⁷³ It was also thought the word "defense" was misleading, since the work of the Council is aggressive in promoting legislation as well as in obstructing that not desired.

The Council may well be characterized as the legislative and political department of the National Association of Manufacturers. The President of the latter in speaking before the 1909 convention referred to the Council thus:

We have an organization within this organization for the purpose of looking after what I will term bad legislation and eventually to promote good legislation.⁷⁴

As further evidence of the oneness of these organizations, President Edgerton's statement at the Convention of 1923 may be cited:

The Council is very closely linked with and related to the Association . . . Those of our members who have contributed their support to the Council may know that they have been strengthening the strong right arm of the twin brother of their own organization.⁷⁵

The objects of the Council are set forth in its constitution as follows:

⁷¹*Constitution of the National Council for Industrial Defense.*

⁷²"Organized Industry," *National Industrial Council Bulletin*, p. 31.

⁷³*Am. Ind.*, December, 1919, p. 31.

⁷⁴*Proc. N. A. M.*, 1909, p. 231; 1910, p. 287.

⁷⁵*Ibid.*, 1923, p. 111.

To establish and maintain a legislative reference bureau for the compilation, analysis, and distribution of accurate and timely information respecting legislation affecting industrial relations.

To advise its members with respect to legislation proposed or enacted, affecting their business relations with the various departments of the National government, and with State government when deemed advisable

To preserve and promote the principles of individual freedom for employers and employees in commerce and industry.

To emphasize the essential worth of these, and to defend them against legislation calculated to impair or destroy them or the legal remedies by which they are efficiently protected To appeal to public and legislative opinion respecting these matters through every medium by which it can be legitimately and effectively informed.

Vigorously to oppose class legislation in whatever form it proposes to make it lawful for one class of citizens to do that which remains unlawful for any other class to do. To encourage legislation tending to better the relations between employer and employee.

To coordinate the efforts of its affiliated associations in carrying out the objects above described.

To act as a medium for the exchange of appropriate information and service among its affiliated organizations"

An earlier constitution of the National Council for Industrial Defense stated tersely that the Council "was established as a separate and specific medium through which constant, watchful attention might be given to the matter of vicious class legislation which is ever being urged in the Federal Congress by organized labor."⁷⁷

The only connection between the Executive Committee and its clientele is a blank form of "power of attorney" which all kinds of employers' associations are invited to sign, intrusting the Council with full authority to represent them in all matters pertaining to labor legislation, state and national.⁷⁸ Mr. J. P. Bird, former General Manager of the National Association of Manufacturers, in witnessing before the Committee on the Judiciary of the United States Senate in 1913, further emphasized this relationship thus:

The National Council for Industrial Defense is an organization composed of about 253 other organizations, national, state, and local, who sign an enrollment blank, as we call it, which authorizes Mr. Emery

⁷⁷"Organized Industry," *National Industrial Council Bulletin*, p. 13, 14.

⁷⁸*Constitution of the National Council for Industrial Defense.*

⁷⁹"Organized Industry," *National Industrial Council Bulletin*, p. 30.

to represent them in Washington before committees on matters pertaining to labor legislation. That is all the Council is, and there is no need for any meetings. There is no need for any board of directors."⁸⁰

The Council now (1927) consists of three hundred twelve national, state, and local industrial associations located in all sections of the country. Conferences of the National Industrial Council include representatives, for example, from seventeen or more national industrial associations (trade and otherwise), such as the American Cotton Manufacturing Association, the National Erectors' Association, the United Typothetae of America, the League for Industrial Rights, and the National Association of Manufacturers. Thirty-seven state manufacturing associations are represented, together with local units like the Employers' Association of Chicago or the Tri-City Manufacturers' Association of Moline.⁸⁰

The general offices of the Council are operated beside that of the National Association of Manufacturers in New York City. There all work is directed relating to finance, affiliations, the establishment of state councils, the arranging of conferences, the handling of publications and general correspondence. The Washington office watches all legislation which affects industry, issues bulletins on the same to the affiliated organizations, and arranges for hearings and the presentation of the views of industry before various committees and officials. It also gives attention to departmental rulings and court decisions.⁸¹

There are no fixed fees or dues imposed by the Council. The constitution states that "its revenues are derived solely by contributions from those who appreciate the necessity for such an organization and the value of its work to the American public."

The Council fosters the growing tendency toward "pyramided conferences," a system whereby the ideas growing out of discussions in state conferences may be brought by delegates to the

⁸⁰"Maintenance of a Lobby to Influence Legislation," *Hearings before the Committee on the Judiciary, U. S. Senate, 1913*, p. 2736, 2737.

⁸⁰"Organized Industry," *National Industrial Council Bulletin*, p. 10, 11, 15-18.

⁸¹*Ibid.*, p. 23.

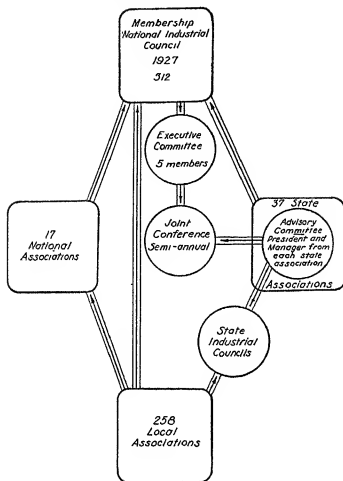


CHART III.

national conference for reconsideration.⁸² These conferences are known as state industrial councils, the "New Jersey Industrial Council" being illustrative. Through them the presidents and managers of the state manufacturers' associations may become acquainted with the views of local groups. The National Indus-

⁸²Wyman, A. L., *The Employers' Association: How Organized and Conducted*, p. 10.

trial Council is thus enabled in turn to bring these ideas semi-annually before a joint conference of its Executive Committee and Advisory Committee. This is graphically illustrated in Chart III. "That which eventuates out of this system is the fact that the leadership of the Council on national matters is bound to be not only expressive of the views of American industry, but so patently intelligent as to command the following of all units of organized industry."⁸⁰ Intimate relations have thus been established between the management of state associations, as well as between them and the national officers.⁸¹ This has served greatly in coordinating effort and providing a national aggressive program for organized industry in America. It has made possible an offensive rather than a purely defensive attitude in influencing legislation.

The structure of the National Association of Manufacturers has thus become larger and more complex through the formation of the National Industrial Council. It was estimated in 1923 that the two bodies represented not less than seventy-five thousand different employing concerns⁸² with between six and seven million employees, and produced about eighty per cent of the manufactured goods of the country. Functionally, too, the National Association of Manufacturers has experienced a phenomenal development, having become in part through the activities of the Council the leading association among employers in the field of propaganda and legislation.

⁸⁰*Ams. Ind.*, December, 1920, p. 20.

⁸¹The cohesion and solidarity which exists between the state councils and also between them and the National Council is evidenced in the standardization of the names employed. The names of the state councils consist first of the name of the state, followed by the two words "Industrial Council."

⁸²*Proc N. A. M.*, 1923, p. III.

CHAPTER II

PURPOSES AND POLICIES

EVOLUTION OF PURPOSES

A searching perusal of the speeches made by leading officials of the National Association of Manufacturers at their annual conventions from 1896 to 1901 fails to disclose any note of antagonism toward organized labor.¹ The early spirit of the organization is indicated by the following statement:

This organization was formed to foster the spirit of fraternity among us, regardless of political creeds or sectional lines; to unite in one powerful working body the broad-minded and public-spirited manufacturers of our country, and to concentrate and unite their efforts in movements that make for public progress and the general prosperity of the nation.²

The aggressive campaign of the National Association of Manufacturers against organized labor dates from 1903, when at the annual Convention held at New Orleans, David M. Parry, the recently elected President, made an effort to enlist the support of his fellow manufacturers in a fight against organized labor.³ The attack centered around the closed shop and militant practices of unionism, and was directed against all legislative efforts to exempt labor from liability to injunction by the courts. The following brief excerpts from President Parry's annual addresses of 1903 and 1904 will present a picture of the decided change in purpose and spirit of the organization which he led for five years:

As the paramount question with the Association and with manufacturers and employers generally has for some time been that of lawless and socialistic unionism, that subject necessarily demands our first attention.⁴

Organized labor knows but one law and that is the law of physical force—the law of the Huns and Vandals, the law of the savage. All

¹*Proc. N. A. M.*, 1896, 1897, 1898, 1899, 1900, 1901. Theodore C. Search, President from 1896 to 1902, stated in 1907 that "the matter of labor has been taken up under my successor." *Proc. N. A. M.*, 1907, p. 230.

²An address delivered by President Theodore C. Search, at the Annual Convention of the National Association of Manufacturers, 1900. *Proc. N. A. M.*, 1900, p. 175.

³*Ibid.*, 1910, p. 5.

⁴*Ibid.*, 1904, p. 15.

its purposes are accomplished either by actual force or by the threat of force. It does not place its reliance upon reason and justice, but in strikes, boycotts, and coercion. It is, in all essential features, a mob power knowing no master except its own will. Its history is stained with blood and ruin . . . It extends its tactics of coercion and intimidation over all classes, dictating to the press and to the politicians and strangling independence of thought and American manhood.

It denies to those outside its ranks the individual right to dispose of their labor as they see fit—a right that is one of the most sacred and fundamental of American liberty.

It denies to the individual the right of being his own judge as to the length of time he shall work, and as to how much he shall do within the time prescribed. It takes no account of the varying degrees of natural aptitude and powers of endurance displayed by individuals and seeks to place all men in each particular trade on the same dead level as respects his daily output and his daily wage. Thus a premium is placed upon indolence and incompetency and there is a restriction of human effort, reducing the aggregate production and increasing the cost of things produced . . . It foists upon employers rules limiting the number of apprentices, some unions going so far as to say there shall be no apprentices.

The rule that organized labor seeks to establish is the rule of the least intelligent portion of labor. A comprehension of this fact explains why its leaders are found to be agitators and demagogues, men who appeal to prejudice and envy, who are constantly instilling a hatred of wealth and ability, and who, in incendiary speeches, attempt to stir up men to seize by physical force that which their merit cannot obtain for them.⁵

These paragraphs are in keeping with the general tone of each address. The speech of 1903 was criticized by some of the delegates. The critics found immediate support in a Wall Street paper which had censured President Parry for his attitude toward organized labor.⁶ A careful analysis shows no difference in the principles held by President Parry and those tenets to which the organization adheres today. It would appear that any difference lies solely in the manner of expression and the apparent spirit in which declarations are made. This conviction is based upon a close scrutiny of the few paragraphs quoted above. Because of the intense feeling displayed in these utterances, one's first impression is that they are hasty, injudicious statements. On closer examination it is found, however, that the

⁵*Proc. N. A. M.*, 1903, p. 7-20.

⁶*Ibid.*, p. 133.

cardinal issues which create the schism between organized labor and employers' associations of the belligerent type are here enumerated. Thus this early leader of the manufacturers utters a protest against strikes, boycotts, picketing, and the by-product violence, political influence, the closed shop, a shorter working day, restriction of output, standardization of working conditions and pay, limiting the number of apprentices, and unified action which comes through labor leadership. If these had been presented in a formal manner, with no tinge of feeling accompanying them, it is probable that no voice among the delegates of that time or later would have been raised in criticism.

John Kirby, Jr., a member of the Board of Directors for more than two decades prior to his death in 1926, and President from 1909 to 1913, evidently saw in the words of Mr. Parry the essence of the philosophy of the National Association of Manufacturers. He urged that the manufacturers stand by the President and not be influenced by the fact that Wall Street operators stood shaking with fear lest Mr. Parry's bold utterances have some bad effect upon stocks. He continued by saying, "We have been intimidated by a handful of anarchists and so-called labor leaders, and it is now time for manufacturers to put their shoulders to the wheel. With Mr. Parry as leader we will settle this issue once and for all."⁷

DECLARATION OF PRINCIPLES

As still further evidence of the approval given by the National Association of Manufacturers to the principles set forth in the President's address a committee at that meeting presented the following resolutions, which were adopted:

We, the members of the National Association of Manufacturers of the United States of America, in convention assembled at New Orleans, do hereby declare the following principles, which shall govern this association in its work in connection with the problems of labor:

1. Fair dealing is the fundamental and basic principle on which relations between employers and employees should rest.
2. The National Association of Manufacturers is not opposed to organizations of labor as such, but is unalterably opposed to boycotts, blacklists and other illegal acts of interference with the personal liberty of employer or employee.

⁷*Ibid.*

3. No person should be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization, and there should be no discriminating against or interference with any employee who is not a member of a labor organization by members of such organizations.

4. With due regards to contracts, it is the right of the employee to leave his employment whenever he sees fit, and it is the right of the employer to discharge any employee when he sees fit.

5. Employers must be free to employ their work people at wages mutually satisfactory, without interference or dictation on the part of individuals or organizations not directly parties to such contracts.

6. Employers must be unmolested and unhampered in the management of their business, in determining the amount and quality of their product, and in the use of any methods or systems of pay which are just and equitable.

7. In the interest of employees and employers of the country, no limitation should be placed upon the opportunities of any person to learn any trade to which he or she may be adapted.

8. The National Association of Manufacturers disapproves absolutely of strikes and lockouts, and favors an equitable adjustment of all differences between employers and employees, by any amicable method that will preserve the rights of both parties.

9. The National Association of Manufacturers pledges itself to oppose any and all legislation not in accord with the foregoing declaration.^a

The Declaration of Principles has remained unchanged aside from the following addition made in 1904 relating to the open shop:

Employees have the right to contract for their services in a collective capacity, but any contract that contains a stipulation that employment should be denied to men not parties to the contract is an invasion of the constitutional rights of the American workman, is against public policy, and is in violation of the conspiracy laws. This Association declares its unalterable antagonism to the closed shop and insists that the doors of no industry be closed against American workmen because of their membership or non-membership in any labor organization.^b

The Declaration has been formally reaffirmed several times and given wider publicity than any other of their pronouncements. Thus these ten principles, expounded during the Parry

^a*Proc. N. A. M.*, 1903, p. 165, 166.

^b*Ibid.*, 1904, p. 172, 173. This paragraph as now printed precedes No. 9 in the foregoing list of principles.

administration, are those which form essentially the decalogue of the National Association of Manufacturers today.¹⁰

Another resolution was adopted in 1903 to the effect "that the Association believes in the thorough organization of capital to oppose incursions made by organized labor."¹¹ This seems to be in keeping with the Parry policy, for he devoted his energies chiefly to the task of strengthening the organization. In this he was very successful, for during his five years as President the membership increased from about 990 to somewhat less than 3,000.¹² The Association Secretary was able to report at the 1903 Convention an increase in membership of one hundred per cent during the year.¹³ The race was on between the National Association of Manufacturers and its chief opponent, the American Federation of Labor. The latter in the same year had grown from a membership of slightly over a million to nearly one and one-half million. It experienced the phenomenal growth in the five-year period preceding 1904 of from less than 350,000 to 1,675,000 members.¹⁴ This evidently alarmed organized business and played a large part in the change in policy and method of the National Association of Manufacturers and its sister organizations.

Three contributing causes may be cited as conducive to alarm on the part of the manufacturers: first, the unusual numerical growth of unionism with its attendant increase in influence and power; second, labor's aggressiveness in proposing and sponsoring legislation favorable to itself; and third, the increasing number of strikes and the degree of success experienced by labor. These all provided cause for concern and possibly a change in tactics on the part of the manufacturers. President Parry refers to labor's legislative and militant activities in his 1903 address in these words:

¹⁰See back cover of recent copies of *Proceedings of the . . . Annual Convention of the National Association of Manufacturers*.

¹¹*Proc. N. A. M.*, 1903, p. 14 *et seq*

¹²Cf. Wright, P. G., "Organized Labor and Organized Business," *Quarterly Journal of Economics*, Vol. XXIX, p. 239.

¹³*Proc. N. A. M.*, 1903, p. 97.

¹⁴"The American Labor Movement," *A. F. of L. Bulletin*, p. 10.

The introduction in Congress of such measures as these²⁵ and the support they received there and from the press and public can only be regarded as ominous manifestations of the deep-seated power of an organization which in late years has had such an insidious growth that we find it dominating to a dangerous degree the whole social, political, and governmental systems of the nation. Who can take note of the hundreds of strikes of the last year, of the many acts of aggression and ruthless violation of principles hitherto held dear by the American people, of the subservient and apologetic tone of many newspapers and public men . . . without being impressed with the gravity of the situation?²⁶

It seems as though the success scored in the anthracite strike fired the minds of the labor leaders everywhere with an exalted idea of the power they possessed.²⁷

PERMANENCY OF THE PRINCIPLES

In further support of the contention that the fundamental attitude of the National Association of Manufacturers toward organized labor has not materially changed since the pronouncements of 1903 or 1904, later declarations and statements are here presented. These are drawn from prominent leaders in whom the confidence and approval of the organization has rested. President Van Cleave in his annual report of 1907 said:

The older labor questions—which are with us in just as menacing a shape today as they ever were—we must deal with through a vigorous and persistent assertion of the principles proclaimed by D. M. Parry in the New Orleans Convention in 1903, and for which this Association has always stood. Among these are: the open shop, no boycott, no limitation in the number of apprentices, no limitation in the output, no dictation by the labor unions as to the manner in which employers shall manage their business. For every one of these principles we must continue to do battle.²⁸

In 1908 the annual Convention unanimously adopted this resolution indicative of the faith in the principles and methods of their president:

Resolved, That we, members of the National Association of Manufacturers, in convention assembled this twentieth day of May, 1908, do hereby express the utmost confidence in our President, James

²⁵Referring to certain eight-hour and anti-injunction bills considered in chapter vi

²⁶*Proc. N. A. M.*, 1903, p. 14, 15.

²⁷*Ibid.*, 1904, p. 15.

²⁸*Ibid.*, 1907, p. 43.

W. Van Cleave, and our unqualified appreciation and endorsement of his loyalty and untiring devotion to the principles of our Association, and the ceaseless energy with which he has so ably and thoroughly carried into effect the policies laid down by the Association.¹⁹

In the approbative discussion which followed the presentation of the resolution, it was suggested that "this is not a time for soft words and sticking plaster to be spread over a vicious and virulent cancer on the body politic, and only a strong man will best accomplish the proper aims of the Association."²⁰ No President of the Manufacturers' Association has in the thirty-two years of its existence received more words of commendation, nor more tangible evidence of its approval, than James W. Van Cleave.²¹ With a hostility toward organized labor fully equal to that of his predecessor,²² he justified his position by pointing out the fact that the program pursued by the officers was marked out by the Association.²³

In the inaugural address of John Kirby, Jr., who has unquestionably been the dominating personality in the Association for nearly a quarter of a century, acting as President from 1909 to 1913, he made clear his purpose to wage war upon organized labor. "Tariff is an important issue," he said, "banking and currency are important, and so are many other things, but the question that is uppermost in our minds is the labor question That is why I have been selected as President of this organization; not on account of my particular ability, not on account of my national reputation, but simply because you know where I stand on the labor question."²⁴ "My policy is the policy of David M. Parry and J. W. Van Cleave."²⁵ In 1910 and in 1920 Mr. Kirby reiterated his stand, declaring that the National Association of Manufacturers held out no interest to him until the change of policy of 1903.²⁶ His manner of expression was

¹⁹*Ibid.*, 1908, p. 318.

²⁰*Ibid.*, p. 320.

²¹*Ibid.*, 1909, p. 181-185; cf. 1908, p. 187, 190.

²²*Ibid.*, 1908, p. 318.

²³*Ibid.*, 1909, p. 58.

²⁴*Ibid.*, p. 204.

²⁵*Ibid.*, p. 207.

²⁶*Ibid.*, 1910, p. 300, 301; 1920, p. 49-53.

quite in keeping with that of the two men who had preceeded him. Speaking before the 1903 Convention, he said:

Organize capital as strongly as labor is organized, and the question as to whether employer or employees shall dictate the management will settle itself in short order. The record of organized labor shows that it has not benefited the working classes as a whole. Of wage-earners, but one in fourteen is a member of a union, and it is fair to assume that seventy-five per cent of these are members through coercion, not from choice. The twenty-five per cent not only rules the seventy-five per cent but seeks to browbeat and control the multitudes, employers included. There are no such dangerous anarabists in our midst as those labor leaders who instigate strikes and then aid and abet the thugs who perpetrate the murderous assaults upon men who see fit to go to work when the strike is on. The greatest danger lies in the recognition of the union. You are then a responsible body in collusion with an irresponsible body of robbers of personal liberty. It is manifestly to the interests of the people at large that organized labor be denied recognition everywhere until its past blackened record is blotted out.²⁷

Compare this with a brief excerpt from a speech made by Mr. Kirby seventeen years later at the annual Convention of 1920:

Organized labor is just the same today as it was in 1884, during the Missouri Pacific trouble, and in 1887, in Pittsburgh. There is no difference. They claim that the Reds have gotten in and impregnated the organization with Bolshevism and I. W. W.-ism. Why, there has never been anything but Reds at the head of that organization.²⁸

This type of utterance has for the present at least given way to a more moderate manner of expression. In the President's annual address of 1925 the American Federation of Labor is commended "for keeping subdued the more radical elements within its ranks, and for refusing in a truly American manner to cohabit with Communism and with Russian Sovietism."²⁹ This cannot, however, be taken as indicative of a changing attitude toward organized labor, for a careful examination of the entire address shows a consistent opposition to the tenets of unionism, a firm faith in the principles declared twenty-two years before, with an added hostility toward recent legislation and amendments to the Federal Constitution sponsored by labor. The style is more pleasing than before, less bold, with a veil of

²⁷*Proc. N. A. M.*, 1903, p. 199 *et seq*

²⁸*Ibid.*, 1920, p. 51.

²⁹*Ibid.*, 1925, p. 40.

satire covering but thinly the old antagonism. These statements will serve to illustrate :

Take note of those who are assiduously trying to pull down below sea level our walls of tariff protection with one hand and with the other attempting to hold up and even elevate our wage standards Contemplate the multiplying attempts to destroy our Constitution by amendment, to transform the legislative branch of our government into a patent medicine factory, to so bob the Sampsonian hair and shorten the judicial skirts of our courts as to remove them as an effective obstruction to crime, rapacity, and the modern brand of personal liberty; and to make executive efficiency impossible by the popularization of lawlessness through studied cultivation.³⁰

The evil of union recognition is emphasized in making reference to the coal strike of 1925—"the underlying cause of which and the chief issue involved being the infamous check-off system."³¹

The principle of standardization of working conditions and wages, so coveted by unionism, was ridiculed by use of the Parable of the Talents. The differences in mental and physical endowments, and the differences in earning capacity, were recognized in the parable. While the three men were intrusted with varying degrees of stewardship they were accorded equal opportunity. "The one-cylinder fellow with the one talent complained that he didn't have enough to do anything with and had hidden his talent in a napkin. In other words he 'struck' because he felt that the returns from his efforts would not enable him to support his family in the style to which they were accustomed. And while the records don't say, he undoubtedly had a large family. I have often wondered if this original striker were not probably the real founder of our modern labor unions. There is certainly a suggestion of kinship in their apparent conceptions of economic propriety and in their methods of enforcing them."³² President Edgerton continued, "We believe that labor organized under competent leadership and operating always in a lawful manner for worthy purposes is not only not objectionable to anybody, but can thus make a larger contribution to common progress than it can in an unorganized state. But if it be

³⁰*Ibid*, p. 27.

³¹*Ibid*, p. 29.

³²*Ibid*, p. 31, 32.

organized merely to raise wages by whatever means necessary, to shorten hours of labor in order to multiply jobs, to teach men lessons of disloyalty to their employers, and to acquire by physical force a control to which they are not entitled and for the exercise of which they are not adequately equipped, then it is its own worst enemy and would be more fortunate in an unorganized state."³³

There would appear to be some inconsistency between this position and the oft repeated declaration that "the National Association of Manufacturers is not opposed to organizations of labor as such, but it is unalterably opposed to boycotts, blacklists, and other illegal acts of interference with the personal liberty of employer or employee." The implication is strong that the doctrines and practices of unionism not under the ban of this declaration would be acceptable to organized employers. The principle of standardization of working conditions and wages being neither militant in character nor an "illegal act of interference" should logically receive no censure. If it, together with the principle of collective bargaining and the recognition of the union, be forbidden, what remains as an excuse for the existence of organized labor? One is left in a quandary as to what "worthy purposes" unions thus restricted in action could serve.

The idea that labor desires to participate in management is met with these words of opposition:

If Esdras of the Apocrypha was right, there are certain candles of understanding to be lighted in the hearts of men, which will not be fanned out by the winds of heated controversy. One of these is, that in every life, in every business, and in every unit of government, there has never been and cannot be, in the last analysis, but one control. Strictly speaking, there is no such thing as joint control of anything . . . Another of these candles is, that all men are equally endowed by their Creator with free wills and with the abstract right and power of choice."³⁴

The concept that all men are endowed with free wills and the right of choice had been embodied in the open shop paragraph added to the Declaration of Principles in 1904. With this pro-

³³*Proc. N. A. M.*, 1925, p. 40.

³⁴*Ibid.*, p. 36, 38.

nouncement against the closed shop—the major bone of contention—the speaker turned to the third candle of understanding he would have lighted. It is the essential difference between the requirements of economic and moral law. Holding tenaciously to the economic philosophy that the recompense to the workers will be “determined jointly by their individual efficiencies, their particular worth to the particular business and the ability of the employer to pay,” he contended that the employer sustains a double relationship to his employees. Since the worker is subject to the “inevitable operations of the unrepealed and unrepealable law of demand and supply,” the employer discharges fully his economic obligation with the payment of the wage so determined. Nevertheless he has another “immutable and undeniable relationship” to his workers, “that of man to man, friend to friend, brother to brother,” which furnishes a moral obligation. This relationship of human interest and brotherly love should lead to aid for the needy from one’s own substance wholly apart from his economic relationship.³⁵

This note of humanitarianism reflects a spirit of concern for the welfare of workers which will receive further consideration in Chapter VII. Perhaps while it betokens no fundamental change in purpose, it, like the following statement from the same speaker, indicates a conscious effort to state principles in a less inflammatory manner:

Let the thought perish in the willing minds which harbor it that this Association has as its dominating purpose to crush or oppose organized labor We are not in sympathy with some of its teachings and most of its methods, which we believe are not conducive to the end they claim to seek.³⁶

SUPPLEMENTARY DECLARATIONS

Upon several occasions, notably in 1913 and 1923, additional or supplementary principles have been promulgated. None are in the nature of amendments to the original draft of ten, but are directed in most instances toward some problem which at the time asserts itself with unusual force. This is apparent in

³⁵*Ibid.*, p. 38, 39; 1923, p. 116.

³⁶*Ibid.*, 1925, p. 40.

the following list of ten additional principles set forth in 1913, which have to do largely with injunctions and contempts:

First. We hold that the inherent powers of our courts of equity shall not be abridged in the issuance of injunctions in labor disputes.

Second. We hold that the power vested in our courts to punish for contempt of court should not be abridged by the granting of jury trial for contempt.

Third. We protest against class legislation, whether enacted by State Legislatures or by Congress, and we assert that all forms of class legislation are un-American and detrimental to our common good.

Fourth. We pledge our loyalty to our Judiciary, upon the maintenance of which, unswerved by passing clamor, rests the perpetuation of our laws, our institutions, and our society.

Fifth. We favor the further enactment of equitable, beneficial, and simplified workmen's compensation legislation.

Sixth. We denounce the subserviency of representatives of the whole people to the dictation of any class in the matter of legislation.

Seventh. We affirm, in the light of proven facts, that any compromise, toleration, or identification with the leaders of criminal unionism will stultify our liberties and weaken respect for our laws and their just enforcement.

Eighth. We affirm our approval of the enactment of wise and just laws, necessary to improve conditions of labor.

Ninth. We affirm that our tested, self-controlled, representative democracy is adequate, under our constitutional guarantees, to effectuate the real needs and purposes of our national life.

Tenth. We pledge ourselves towards the accomplishment of the spirit and purpose of the foregoing."

The Committee on Resolutions when submitting this new group of principles held that they were justified in doing so since different problems had emerged during the ten years following the first declaration; that these problems affected "governmental, economic, and industrial society."⁸⁸

The implicit confidence which the Association leaders have reposed in these pronouncements is typically illustrated in the following excerpt from President Kirby's annual address in 1910:

The Declaration of Principles of this Association, as they relate to the labor problem, are economically sound and just, and cannot be assailed on any sensible ground. They are broad and liberal from the standpoint of humanity, and the man who attacks them must admit that he is hampered by the shackles of class prejudice and opposed to

⁸⁸*Proc. N. A. M.*, 1913, p. 195.

⁸⁹*Ibid.*

individual progress and development through the natural course of thrift and energy. *We ask for no class privileges, and only insist that none be granted to others*³⁹

In 1923 the Convention adopted a report of the Committee on Resolutions embracing five more principles devoted to "Private Employment Relations and the Open Shop."⁴⁰ These, as here presented, illustrate again how the fundamental principles declared in 1903 have from time to time been supplemented by others relating to specific current issues:

1. Those rights of individual liberty and equality of opportunity which our government was created to defend and upon which our national institutions are founded, must be recognized and preserved in every field of activity, including that of industrial affairs. When the full enjoyment of these rights is denied to any individual, save through his own voluntary act or agreement, we have ceased to be a free people.

2. An open shop, as understood by this Association, is an establishment or business where employment relations are entered into and determined through the exercise of the individual right of contract on the part of both employer and the employee and without arbitrary discrimination based upon the membership or non-membership of the employee in any lawful labor organization.

The Association considers it the duty of the employer as a citizen to preserve and defend the right of open-shop operation as an essential part of our national heritage of liberty.

3. When collective agreements are entered into between the employer and his employees, they should be the voluntary act of all the parties and neither adverse to the public interest nor arbitrarily limit the opportunities of those seeking employment in a given trade or community.

4. Because of his position of leadership and his control of the factors of production and service essential to society, this Association considers that an obligation of trusteeship to his employees and to the public rests upon the employer. It is his duty in the management of industry to give as well as to require efficient service, to protect the health and safety of the worker during employment, to give him every possible incentive and opportunity for improvement and advancement along lines suited to his abilities, and to take the initiative in the establishment of employment relations upon a basis of recognized mutuality of interests through fair dealings and frankness regarding facts and conditions affecting the common enterprise. The highest function of American

³⁹*Ibid.*, 1910, p. 96.

⁴⁰Re-affirmed at the Annual Convention in 1926. *Proc. N. A. M.*, 1926, p. 318

industry is not alone to make profits, but to bring betterment of conditions to the worker as well as the owner and to make its product or service available to the public at a cost as low as possible through efficiency, cooperation, and unrestrained effort.

5. Combinations, whether of employers or employees, because of the greater power of injury that results from concert of action, are especially subject to the obligation to respect the rights of others. The boycott and the sympathetic strike or lockout, when used by such combinations, are oppressive, cruel, and intolerable weapons of industrial warfare necessarily involving injury to innocent third parties and the public, and are without justification in law or morals.⁴¹

PURPOSES AS SHOWN IN THE CONSTITUTION

No more authoritative source can be resorted to in the determination of avowed purposes of the National Association of Manufacturers than its constitution. There is no reference to industrial relations in the 1896 constitution. A thorough-going revision was made in 1904, when, as expressed by the makers, "the necessity of securing unity of action by employers in general in dealing with lawless unionism was generally recognized as of the first importance."⁴² To this end the following was adopted as the objects of the Association in relation to labor:⁴³

The maintenance of individualism The social and material welfare of all classes of the people is dependent upon the full exercise of individual freedom consistent with the equal rights of all and upon the perpetuation of the principle of personal ownership which furnishes the necessary incentive to individual effort and best promotes the conservation of capital, the great assistant of labor.

To better the relations between employer and employee consistent with fair dealing and with the fundamental principles of individual liberty and ownership in property guaranteed by the Constitution of the United States. This Association is opposed to discrimination in the employment of men by reason of membership or non-membership in any civil, political, religious, or fraternal organization. It is opposed to boycotts, blacklists, and all interference with the constitutional rights of employer and employee. It is opposed to restriction of individual output, to limitation of the number of apprentices, and to all means and policies that tend to reduce the efficiency of the individual and productive capacity of the nation.⁴⁴

⁴¹*Proc. N. A. M.*, 1923, p. 199, 200.

⁴²*Ibid.*, 1904, p. 200.

⁴³Other objects than those relating to labor are omitted. See 1904 Constitution, article ii, as recorded in *Proc. N. A. M.*, 1904, p. 202.

⁴⁴*Ibid.*

At the 1908 Convention the objects of the National Association of Manufacturers in so far as they pertained to labor were changed to read thus:

The general objects and purposes for which the said corporation is formed are . . . the betterment of relations between employer and employee, the protection of individual liberty and rights of employer and employee, the education of the public in the principles of individual liberty and ownership of property, the support of legislation in furtherance of those principles, and opposition to legislation in derogation thereof.

The particular objects and purposes of said corporation are to establish and maintain a mutual and cooperative organization of American manufacturers in the United States for the fostering of their trade, business, and financial interests, to reform abuses relative thereto, to secure freedom from unlawful and unjust exactions. . . .⁴⁶

Although the constitution has been revised five times since 1908, no change has been made in the objects as recorded at that convention.⁴⁶ It will be observed that clearness or concreteness of expression suffered in the revamping of the phraseology from the 1904 draft to that of 1908. When these changes were made, however, the President stated the objects and principles of the Association clearly enough in these words: "No boycott, no closed shop, no sympathetic strike, no limitation of output, no compulsory use of the union label, no sacrifice of the independent workmen to the union, nor restriction as to the use of tools, machinery, or materials except such as are unsafe, no restrictions as to the number of apprentices and helpers when of proper age."⁴⁷

POLICIES

A brief survey of representative concrete policies of the National Association of Manufacturers as they stand in sharp contrast to those of its opponent follows. Proceeding under the assumption that labor's position is understood, the study will be confined to the position of the Manufacturers' Association.

⁴⁶*Ibid*, 1908, p. 133.

⁴⁷*Ibid*, 1925, p. 300.

⁴⁸*Am. Ind.*, July 1, 1907, p. 25; cf. June 1, 1907, p. 11; December 1, 1907, p. 25; April 1, 1909, p. 8.

THE RIGHT TO ORGANIZE

The following group of statements, chosen from several Association leaders and given utterance at various times throughout the history of the organization, will reflect the attitude toward organized labor and the right to organize:

We believe in organized labor. It is the methods of organized labor that we oppose, and some of these methods are damnable.⁴⁸

The right of any class of citizens to organize for the purpose of confiscating rights and privileges of others, and for the further purpose of compelling others to hide their dictation or starve, has always been denied and always should be.⁴⁹

The National Association of Manufacturers is not fighting labor unionism as such. It is only fighting the vices and follies which have crept into some of the unions through their ignorant, corrupt, and autocratic leaders.⁵⁰

The National Association of Manufacturers is not primarily a labor-busting organization. It is true we have done much preventive work along that line, but we claim to be and are a boosting organization.⁵¹

The real and ideal union is the one between employer and employee.⁵²

In a colorful picture the Association's attitude toward unionism has recently been painted by President Edgerton thus:

The palatial temples of labor whose golden domes rise in exultant splendor throughout the nation, the millions of dollars extracted annually by the jewelled hand of greed from the pockets of wage-earners and paid out in lucrative salaries to a ravenous band of pretenders, tell the pitiful story of a slavery such as this country never knew before. It is your duty to break the shackles that have been forged upon the wrists of those who labor with you by showing them in your daily contact and attitude that you are their best friends and that it is not necessary for them to follow the false leadership of designing pirates who parade in the guise of the workingmen's friends. That labor has the right to organize nobody denies or has denied. As far as it uses its organization constructively and in the right manner, it is a good thing and ought to live. But when it becomes the champion of lawlessness as at Herrin and elsewhere, or when it claims superior rights to other citizens such as special representation in every agency of government, local, state, and national, or when it takes from the wage-earner more than it can and will return to him in substantial

⁴⁸*Proc. N. A. M.*, 1909, p. 38 (Director Anthony Iltner).

⁴⁹"Where Do You Stand?" *N. A. M. Bulletin*, 1909, p. 35 (John Kirby, Jr.).

⁵⁰*Am. Ind.*, August, 1915, p. 19 (Editorial).

⁵¹*Ibid.*, December, 1911, p. 41 (John Kirby, Jr.).

⁵²*Ibid.*, June, 1914, p. 8 (George Pope).

benefits honestly obtained, it becomes dangerous as an organized force and should be forced back into legitimate channels of service.⁶³

This last statement is in perfect accord with one made by a leader two decades before, when he held that "labor organizations restricted to right and honorable limitations, are eminently proper, as every fair man will admit, but it is when their regulations are contrary to law and the rights of men that the employer should take his stand against them."⁶⁴

That labor organizations should be restricted to "right and honorable limitations" all will grant, but in view of the exceedingly wide and varying range of opinion the limits of justice are not well defined. Abstractly unions are sanctioned as legitimate, but concretely they would be ostracized by the manufacturers, since the purpose of American unionism is deemed by them to be socially harmful. To quote again from President Edgerton: "I do not think that there is anybody of moderate intelligence that denies to labor the abstract right of unionism; but the virtuous exercise of that right depends upon the purpose for which it was organized."⁶⁵

Perhaps no restriction is more acceptable to society than the slow, backward looking, and extremely uncertain legal limitations imposed by our laws and our courts, since presumably they represent the will of a democratic people. Labor, however, has found but little satisfaction in the legal arbiter since the courts have proven so hostile to labor legislation. On the side of the employers there is much criticism of legislation, but less of court interpretation of that legislation.

THE RIGHT TO LABOR

The words of Turgot in the eighteenth century, breathing the spirit of *laissez faire*, are in harmony with the spirit of the manufacturers today: "God made the right to labor the property of every man since he gave to him needs and referred him to labor as the necessary means for satisfying these needs, and this property is the first, the holiest, the most imprescriptible." This

⁶³*Proc. N. A. M.*, 1923, p. 116, 117.

⁶⁴*Ibid.*, 1904, p. 75.

⁶⁵*Ibid.*, 1920, p. 290.

so-called "primary principle of industrial freedom," emphasized above all others, is expressed on scores of pages of the Association's literature. The concept has been tersely expressed in this typical manner: "The industrial principle of the open shop is now accepted and recognized as a controlling and righteous principle for industrial action, permitting freedom on the part of the employee consistent with American manhood, and invading in no way the constitutional rights of the employer with respect to his employees, nor the sacred principle of the right of freedom of contract."⁶⁶

RESTRICTION OF PROPERTY RIGHTS

The Supreme Court of the United States has repeatedly declared "that the right to earn a livelihood, whether it be the right of the workman to pursue his trade or the right of an employer to operate his business, is as much a property right as the tangible dollars with which one thereby fills his purse." Most of the jurists, schooled in the method of deciding all questions of the present in terms of precedent are, like the manufacturers, inclined to guard these "rights" with the same measure of protection they vouchsafe to other property rights. While organized labor has consistently sponsored legislation declaring that the right to enter into the relation of employer and employee, or to carry on business, or to labor, should not be construed as a property right, organized anti-union employers have clung tenaciously to the principle of inalienable property rights which characterizes human labor as a commodity.⁶⁷

FREEDOM OF CONTRACT

The National Association of Manufacturers, as well as its sister organization, the League for Industrial Rights, finds much consolation in the judicial renderings touching the so-called "sacred principle of the right of freedom of contract." They urge the doctrine thus:

A person's right in a contract is as much property as any tangible asset, and is, therefore, to be protected against all who would destroy property. Responsibility for injuring such property extends not only

⁶⁶*Proc. N. A. M.*, 1910, p. 133. This theme of the open shop will be taken up more fully in chapter iv.

⁶⁷*Block v. Hirsh*, 256 U. S., p. 135 (Dissenting opinion).

to the man who breaks his contract, but to the stranger or intermeddler who wilfully induces him so to do. That is the legal doctrine which underlies our commercial life and is now being applied to the employment relation.⁵⁸

This principle of the right of contract has proven itself almost an impregnable barrier, due to the attitude of the courts. One after another of labor's attempts to batter down the wall of traditional individualism has proven futile. Labor's desire to secure legislation which would, in its opinion, protect the life and welfare of children and women, and thus society, has in several well-known instances been satisfied in legislative acts only to be frustrated by judicial decisions. The "Hitchman" contract enjoys a legitimate status under sanction of the same doctrine.⁵⁹ Under this agreement, known among union miners as the "yellow dog" contract, the wage-earner declares that he is not a member of a union and agrees that he will not join a union while in the employ of the other contracting party.⁶⁰

RESTRICTION OF OUTPUT

The National Association of Manufacturers takes a decided stand against what it terms the "labor trust," and the methods employed by organized labor to secure monopoly advantage through restricting the output of the workers. To limit the product is to control the supply of labor to some degree, since the existing supply of labor, which remains relatively static, can according to the theory be employed for a longer period. This much criticized "lump of labor" theory forms a part of the philosophy of unionism, since immediate results are of prime concern to workers. Restriction of output or production may result from any of the following policies common to unionism: limiting the number of apprentices,⁶¹ opposition to the introduction of machinery,⁶² opposition to methods for increasing production common to Scientific Management,⁶³ and the shorter

⁵⁸Merritt, W. G., *History of the League for Industrial Rights*, p. 109; cf. Blum, Solomon, *Labor Economics*, p. 36, 37.

⁵⁹*Proc. N. A. M.*, 1920, p. 202.

⁶⁰*Hitchman Coal and Coke Company v. Mitchell*, 245 U. S. 229 (1917).

⁶¹Blum, Solomon, *op. cit.*, p. 347.

⁶²*Ibid.*, p. 366. For a slightly different interpretation of labor's attitude toward machinery, see Furniss, E. S., *Labor Problems*, p. 367-372.

⁶³Blum, Solomon, *op. cit.*, p. 367-369.

work-day and week.⁶⁴ Other motives prompt labor in the effort toward restriction of output, notable among which is the desire to protect itself against overdriving and the physical effects resulting therefrom. Employers quite naturally attempt to obstruct any procedure on the part of the employees which results in lessened output, and it is probable that their position is more compatible with the interests of society if production be considered as an exclusive end. The National Association of Manufacturers has repeatedly spoken against restriction of production. The following drawn from Mr. Kirby's address before the Young Men's Hebrew Association in New York City in 1909 will serve to illustrate:

Another serious objection to unionism, of the kind I am talking about, is demonstrated in restriction of production, the theory of which is that the less each man produces the more jobs there will be for the workers. But there is another reason for the curtailment of production which is not so generally recognized, and that is the regulation of production to the dead level of the slothful and inefficient worker, and this is where the 'brotherhood of man' asserts itself in trade unions.

From the theoretical side of the question the law of economics is again ignored, in fact that law has no place in unionism. It is a dead letter with the average unionist, who does not recognize the law of supply and demand as having any bearing on the question of what he produces, nor that the cheaper the cost the greater the consumption He does not realize that restriction of production increases cost; that increased cost lowers the purchasing power of the dollar, and that he must, in common with all others, share in the result.⁶⁵

Mr. Kirby later refers to unions' antagonism to piecework, and explains their persistent fight against the system, by saying "piecework interferes with the general 'leveling up' policy of modern socialistic unionism and its schemes to restrict production."⁶⁶

Believing it to be "an uneconomic principle and perilous public policy to arbitrarily restrict production or unnecessarily increase the cost thereof," the National Association of Manufacturers at its 1918 Convention passed a resolution urging upon the War Industries Board the wisdom of recommending to

⁶⁴"The American Labor Movement," *A. F. of L. Bulletin*, p. 13.

⁶⁵"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 22.

⁶⁶*Ibid.*, p. 23.

Congress that the power possessed by the Executive under the eight-hour law of 1912 be restored to him. The power of the President to suspend the operation of the law had been limited by requiring an eight-hour base day and time and one-half for overtime on all government work to which the law applied.⁶⁷

Again at the 1919 Convention the Committee on Resolutions called the attention of the assemblage to the fact it was "being widely taught, and apparently believed, that a general reduction in hours of service in manufacturing industry is desirable and in the interest of the worker and the public." A resolution was presented and adopted to the effect that the National Association of Manufacturers should call the attention of the people to this mistaken principle, and substitute for it the concept that "to restrict production, consciously or unconsciously, is to increase the cost of living, to impede progress, and to diminish the wage fund and stop the accumulation of new wealth out of which to provide for the improvement of social life."⁶⁸

Following the American Federation of Labor Convention of October, 1926, the National Association of Manufacturers attempted to secure the general expression of its members on the "five-day-work-week plan." The following conclusions were drawn from the responses made by prominent Association members—presidents of some of the largest industrial concerns in the country: "(1) It would greatly increase the cost of living; (2) It would increase wages generally by more than fifteen per cent and decrease production; (3) It would be impracticable for all industries; (4) It would create a craving for additional luxuries to occupy the additional time; (5) It would mean a trend toward the Arena, Rome did that and Rome died; (6) It would be against the best interests of the men who want to work and advance; (7) It would be all right to meet a sales emergency, but would not work out as a permanent thing; (8) It would make us more vulnerable to the economic onslaughts of Europe, now working as hard as she can to overcome our lead."⁶⁹

⁶⁷*Proc. N. A. M.*, 1918, p. 249.

⁶⁸*Ibid.*, 1919, p. 285.

⁶⁹*Pocket Bulletin*, October, 1926, p. 2.

One writer, discussing the problem objectively, holds that there is a direct relationship between control of industry and restriction of output; that "so long as labor is bought and sold in the open market and the laborer has no power by which he may legitimately influence the direction of industry and its methods, there will be limitation of efficiency;"⁷⁰ that under such conditions the worker can plan only for the "short run," not for the "long run." But to the Manufacturers' Association such advances toward participation in management are considered an encroachment upon the rights of its members. This position is clearly taken in the sixth "declaration of labor principles," which states that "employers must be unmolested and unhampered in the management of their business, in determining the amount and quality of their product, and in the use of any methods or systems of pay which are just and equitable."

RESTRICTION OF IMMIGRATION

Variations in viewpoint with regard to the problem of restriction of immigration are influenced by political, racial, religious, economic, and ethical considerations. The difference in attitude, however, between wage-earners and employers on this problem is usually considered one primarily of an economic nature, the former being convinced that unrestricted influx of immigrants menaces American standards of labor, while the latter would adopt a modified "open door" policy which would insure an abundant supply of cheap labor.⁷¹ The National Association of Manufacturers has often since 1907 stated its position on the subject of immigration, but always with the assumption that its immigration policy is based upon social interests. Perhaps in no more succinct manner has this been expressed than in its "Platform for American Industry" adopted at its annual convention in 1920. This "Platform" was then referred to as the Magna Charta of American Industry,⁷² having been presented by a committee selected by 58 different representatives from

⁷⁰Blum, Solomon, *op. cit.*, p. 370.

⁷¹Watkins, G. S., *An Introduction to the Study of Labor Problems*, p. 272, 273.

⁷²*Proc. N. A. M.*, 1920, p. 203.

twenty-nine states. The "Platform," unanimously adopted, contained these words on immigration:

We believe it is in the interest of the nation to replace our present unsystematic control of the alien with the constructive policy of selective immigration. The general prohibition of immigration is the counsel of bigotry or selfishness.

Ourselves a nation of immigrants and descendants of immigrants, we ought, in the words of Madison, to welcome every "person of good fame that really meant to incorporate himself into our society," but repel all who will not be "a real addition to the wealth or strength of the United States." To this end we would effectively exclude the diseased, the criminal, the defective, those likely to become a charge on the public, any who oppose all form of government or who would overthrow this Republic or effect political change by force.¹³

Again at the Convention of 1921 the Committee on Resolutions based its recommendations regarding immigration upon what it declared to be the needs of the nation, and an altruistic attitude toward other nations. It was contended that "a national policy of immigration prohibition would be morally, politically, and economically wrong and react to our national injury;" that a strong tide of immigrants was needed to develop our national resources, build our highways, work our mines, and participate in general construction. It was stated that we were "underhoused, under-constructed, and under-developed," and that a liberal immigration policy was "our contribution to the relief of overcrowded European states."¹⁴ The Committee held that there was a "pressing necessity for the stimulation of a constructive immigration program in which the general interest of the American people is the primary consideration;" that "such a proposal must not be dominated by the needs and desires, the prejudices or selfishness of any interest, group, or class . . . nor should it express the prejudice of labor organizations, frightened by temporary unemployment or antagonistic to potential competitors . . . The numbers, character, control, and distribution of immigration must be determined by the needs and interest of America first."¹⁵ The National Association of Manu-

¹³*Ibid.*, p. 236.

¹⁴*Ibid.*, 1921, p. 14-16.

¹⁵*Ibid.*, p. 13.

facturers and the American Federation of Labor do not differ in their avowed purpose as it relates to the immigration problem, namely, that of serving the best interests of society,⁷⁶ but differ merely in method as is proven by their wide divergence of opinion regarding recent immigration legislation.⁷⁷

USE OF MILITANT ACTION

The laborer has striven to improve his condition through co-operation, legislation, organization, and as a last expedient he has resorted to militant action. The belligerent methods of unionism have continuously received the condemnation of the Manufacturers' Association. This is evidenced in many utterances in addition to the very definite opposition to boycotts, "blacklists," and strikes expressed in sections two and eight of the "Declaration of Principles." No practice of labor unions has received more censure than the boycott. The National Association of Manufacturers, with the League for Industrial Rights, would abolish both the primary and secondary boycott. In speaking of the "commercial" boycott, their arguments are stated thus:

When any man concludes, without modification, that the primary boycott is a permissible thing, he concedes a thing for which there is no legally defined justification . . . If men have the personal right as individuals or as a body of individuals to refuse to purchase the products of an employer with whom they have a direct grievance, have they a right, through a parent organization, by which they are affiliated with labor unions in other communities throughout the country, to encourage similar action upon the part of other men who have no direct grievance with the employer, even though this be done by wholly persuasive measures? Can a primary boycott be still further magnified and encouraged by the use of posters, blotters, circulars, literature, and advertisements, until the conspiracy is revealed in such startling proportions as to coerce against one's will by the very intimidation of numbers? And yet any or all of these things may be embodied in a so-called primary boycott . . . The boycott rests at the base of nearly every abuse and excess of organized labor. Instead of any attempt by a process of differentiation to separate from a generally bad thing the few component parts that may be inoffensive, it is far better to

"The American Labor Movement," *A. F. of L. Bulletin*, p. 13; "Legislative Achievements of the American Federation of Labor," *ibid.*, p. 10, 13, 18.

⁷⁷*Post*, chapter vi.

establish as illegal any conspiracy to coerce a man contrary to his volition by a combination that threatens unless he yields what is demanded to wreck his business, to which under our Constitution he is as much entitled to protection as he is to life itself.⁷⁷

The "political" boycott, which influences third parties to withhold support from certain candidates, receives but slight attention, possibly because it is used as extensively by the National Association of Manufacturers as by its opponent. Labor unions are accused of utilizing the "social" boycott in attempts to maintain a monopoly of skilled labor. Manifestations of a "social" boycott are said to be apparent in the refusal to work with one who is not a member of the union, exclusion from the union, and ignominious treatment accorded the worker and his family. Picketing, labor union conspiracy, intimidation, and violence are characterized as handmaids of the "social" boycott.⁷⁹ Picketing is pictured as having as its sole purpose coercion and intimidation of both the operators and the non-union workmen, with the conclusion that "peaceful picketing" is a misnomer.⁸⁰

CLASS LEGISLATION

With equal condemnation the National Association of Manufacturers attacks the constant and insistent demands of unionism for what the Association terms "class legislation."⁸¹ The organization denounces efforts to secure laws which legalize the unfair list,⁸² the boycott,⁸³ the right to picket,⁸⁴ release from responsibility under the Sherman law,⁸⁵ prohibiting the issuance of injunctions in labor disputes,⁸⁶ and the shorter day.⁸⁷ It is contended that "at every session of Congress, and in every session of every state legislature, the insidious and artful minds of the

⁷⁷*Proc. N. A. M.*, 1909, p. 107, 108.

⁷⁸*Ibid.*, p. 107.

⁷⁹*Ibid.*, 1910, p. 93.

⁸⁰"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 15, 16.

⁸¹Referred to as the "blacklist" in "Where Do You Stand?" *N. A. M. Bulletin*, p. 21, and in other Association literature.

⁸²"Where Do You Stand?" *N. A. M. Bulletin*, p. 21.

⁸³"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 16.

⁸⁴"Where Do You Stand?" *N. A. M. Bulletin*, p. 18.

⁸⁵Address of John Kirby, Jr., *N. A. M. Bulletin*, p. 14.

⁸⁶"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 16.

labor trust leaders are represented in bills of socialistic and dangerous character."⁸⁸

UNION RESPONSIBILITY

In consideration, then, of what are characterized as "evil, unjust, and damnable policies and practices of the American Federation of Labor and its allied unions,"⁸⁹ and in defense of property rights, the Manufacturers' Association demands that organized labor be legally responsible for its acts, as are corporate bodies.

Labor unions are voluntary associations, and thus are not, in their collective capacity, recognized at common law as having any legal existence distinct from their members.⁹⁰ In the absence of conflicting statute or court interpretation, the common law usually prevails, that an unincorporated labor union cannot sue or be sued, legal action being possible only by or against individual members of the organization. The decisions of the United States Supreme Court in the Danbury Hatters case and the Coronado Coal Company case have changed the apparent legal status of labor unions. They have been adjudged financially liable for the acts of their agents, and suable independently of statute law "for torts committed by such unions in strikes."⁹¹ Such awards have not been numerous, and the legal status of labor unions is by no means fully determined.* The fact still remains that the individuals composing a voluntary association act through an agency which does not exist in legal contemplation under common law apart from its members. The union has consequently avoided incorporation in the hope of freeing itself from the burden of responsibility contingent upon such organiza-

⁸⁸"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 15, 16

⁸⁹"Where Do You Stand?" *N. A. M. Bulletin*, p. 20.

⁹⁰*Karges Furniture Co. v. Amalgamated Woodworkers' Local Union*, 165 Indiana, p. 421.

⁹¹*Loewe v. Lawlor*, 208 U. S. p. 274 (1908); *United Mine Workers v. The Coronado Coal Company*, 259 U. S. 344 (1922). These cases are discussed in Sayre, F. B., *Labor Law*, p. 121 *et seq.*; Laidler, H., *Boycotts*, chapter xx; Commons and Andrews, *Principles of Labor Legislation* (1916), p. 120-122; Ellingwood and Coombs, *The Government and Labor*, p. 197-199, 88-91, 91-97; *Proceedings of the . . . Annual Convention of the American Federation of Labor*, 1923, p. 93, 94.

tion, since the body if so incorporated becomes an artificial person distinct from its members and as an entity primarily liable for the acts of its agents.⁹² Employers have fully recognized this situation, and even though some consolation has been found in recent court renderings, they still urge that labor unions be brought completely within the reach of the law through incorporation. It is held that power should be accompanied with responsibility, that immunity for wrongs committed endangers public safety and welfare, and that for this reason labor organizations and employers' associations as well should be responsible as organizations.

The President of the National Association of Manufacturers, in speaking before the Employers' Association of Springfield, Massachusetts, in 1910, said:

If, in the face of hundreds of judicially-recorded cases of unionists convicted of crime, there is no single instance of a union leader recommending punishment or a union itself in any way penalizing its lawless officers and members, is it unfair to say that the association which convives, tolerates, and condones the crimes of its officers and members must accept responsibility for its endorsement?⁹³

The following testimony of James A. Emery, General Counsel for the National Association of Manufacturers, before the Industrial Relations Commission, expresses the position taken by the Association on the problem of union responsibility:

Yes, I believe that every organization should be liable for its acts. It is axiomatic to say that there should be no power without corresponding responsibility, no matter who exercises it or what class in society exercises it.⁹⁴

SUMMARY

It has ever been the declared purpose of the National Association of Manufacturers to unite the manufacturers of the country in an effort to promote public progress and the general prosperity of the nation. Its chief opponent, the American Federation of Labor, likewise purports to be the protector of the people's interests—to establish conditions which make for the greatest

⁹²*Niagara County v. People*, 7 Hill, p. 504.

⁹³"The Goal of the Labor Trust," *N. A. M. Bulletin*, p. 31.

⁹⁴*Report of United States Industrial Relations Commission*, May 18, 1915, p. 10820.

sum total of human happiness.⁶⁵ Thus, though the purposes of these two conflicting bodies are in this respect in unison, their policies are strikingly in conflict. The manufacturers do not oppose organizations of workers *per se*, but they do oppose American unionism and its tactics, and would exterminate the system.⁶⁶ Unlike national trade associations, the National Association of Manufacturers is untouched by traditions of collective bargaining, and considers the practice an infringement of employers' rights. In spite of its conglomerate membership,⁶⁷ it is essentially a class movement, built upon the concept that the employers' interests are those of society, including its working class members. In the exercise of this beneficial function the manufacturers demand freedom from outside interference. The doctrine of natural liberty becomes the guiding principle.

⁶⁵"The American Labor Movement," *A. F. of L. Bulletin*, p. 13.

⁶⁶*Am. Ind., Supplement*, August 15, 1904, p. 4.

⁶⁷*Ante*, p. 21.

CHAPTER III

PROPAGANDA METHODS

THE ASSOCIATION AS AN EDUCATIONAL AGENCY

It was Abraham Lincoln who said in his famous contest with Douglas, "With public sentiment on its side, everything succeeds; with public sentiment against it, nothing succeeds." It is with a realization of this fact that the National Association of Manufacturers has sought to give the principles as set forth in the foregoing chapter the widest possible publicity, and to present them in an attractive manner. The Association, unlike its sister trade associations, is a non-trade body, devoted to legislative and propaganda activities. In 1903 President Parry said, "The chief work of this Association is an educational one—the molding of public opinion."¹ "Educational" processes signify something other than those of propaganda, the former denoting the imparting or the acquisition of knowledge—acquaintance with fact—while the latter denotes the dissemination of information, factual or otherwise. Perhaps no social institution political, religious, or economic, is free from propagandism, the practice of disseminating tenets or opinions. Every organization is jealous for the principles for which it stands, and its growth is largely dependent upon its power to win public favor. The National Association of Manufacturers is no exception, for, in its effort to enlist the support of public opinion, it presents its principles in such a manner as to make a dual appeal to reason and to one's emotions. The underlying theory of this effort is that "public opinion is the guiding force in this nation today."² The Association proceeds under the conviction that "public opinion is what makes the laws of this country. If you will properly educate the people you will get proper laws."³

It is recognized that under certain conditions men respond as powerfully to fictions as they do to realities. Our mental pictures of the world outside are but composite products of our nature, nurture, imagination, and immediate contact with educational

¹*Proc. N. A. M.*, 1903, p. 65, 16

²*Ibid.*, 1913, p. 221.

³*Ibid.*, 1914, p. 168; cf. Lippman, Walter, *The Phantom Public*, *passim*.

stimuli.⁴ The individual mental picture is, when added to many other individual mental pictures, termed public opinion. Propaganda is the effort to alter the picture to which men respond.⁵ With a sincere desire to change these mental pictures, and thus public opinion, the Association holds that "it must continue to lead in the educational work whereby class legislation must be fought in every municipal assembly, and in every state legislature, as well as in Congress."⁶ It reasons that "organized labor owes its present power mainly to the support of public opinion, and this it obtained through constant agitation. The thought and sentiment of thousands who lean toward the cause of labor are based upon ex-parte consideration."⁷ It further contends that all the "demagogic activity" of "progressives and fake reformers" has its origin in the "fallacious propaganda" of labor unionism.⁸

RANGE OF SUBJECTS COVERED

The propaganda of the National Association of Manufacturers has both a positive and negative character. On the positive side the Association has advocated the open shop,⁹ and attempted to show how certain cities like Detroit, Indianapolis, and Los Angeles have improved their economic welfare through its maintenance.¹⁰ These social and industrial benefits are balanced against conditions shown as less desirable in "closed shop" San Francisco,¹¹ and in unionized England and Australia.¹² Association funds and leaders have been coupled with a long propaganda campaign to aid employers in San Francisco in their fight against the closed shop.¹³ Other positive proposals made by the Association are its advocacy of group life insurance of employees by

⁴Cf. Bryce, James, *The American Commonwealth*, Vol. II, chapter lxxvi

⁵Lippman, Walter, *Public Opinion*, p. 32 *et seq.*

⁶*Am. Ind.*, May 1, 1909, p. 6.

⁷*Proc. N. A. M.*, 1903, p. 16, 17.

⁸*Am. Ind.*, October, 1911, p. 9.

⁹*Proc. N. A. M.*, 1911, p. 230, 231; 1916, p. 49, 50, 106; 1918, p. 68, 69.

¹⁰*Ibid.*, 1918, p. 70, 71; 1920, p. 71.

¹¹*Am. Ind.*, December, 1920, p. 30.

¹²*Ibid.*, May, 1915, p. 13, 14.

¹³*Ibid.*, June 1, 1907, p. 2.

the employer as a means of reducing labor turnover,¹⁴ the piece or job basis for wage payments, equal pay for equal work for women as well as men,¹⁵ the reemployment of ex-service men and the employment and training of disabled soldiers and sailors,¹⁶ the Americanization of alien workers through teaching the American language and ideals to employees, if necessary on "company time,"¹⁷ and encouraging habits of thrift through the sale of "company" and other securities to employees.¹⁸

The negative character of the Association's propaganda is illustrated in its denunciation of "closed shop" agreements, conciliation and arbitration,¹⁹ of the union label,²⁰ of the shorter day movement or any means for restricting production,²¹ of labor leaders and agitators who victimize workers through losses due to strikes and boycott damages.²² The practices of "present-day unionism," such as the strike,²³ the boycott, the unfair list,²⁴ and violence,²⁵ are strongly condemned.²⁶ Socialism and Bolshevism are attacked,²⁷ while the "vicious uplift" methods of the reformer, the dilettante, the sentimentalist,²⁸ and the agitators,²⁹ are denounced as characterized by extravagant, loose, and lurid statements.³⁰ The "closed shop" is further condemned in the declaration that "the destruction of perfectly good uncompleted (non-union) work to induce union labor to reconstruct, is an act of imbecility, and a financial crime that should be made

¹⁴*Proc. N. A. M.*, 1918, p. 43.

¹⁵*Ibid.*, p. 22, 23.

¹⁶*Ibid.*, 1919, p. 25, 26, 137, 138, 149, 183, 185-188.

¹⁷*Ibid.*, p. 108, 109, 282.

¹⁸*Ibid.*, p. 15.

¹⁹*Ibid.*, 1904, p. 80, 82; 1911, p. 83; 1920, p. 48, 59.

²⁰*Ibid.*, 1913, p. 45-55; *Am. Ind.*, June, 1914, p. 7.

²¹*Proc. N. A. M.*, 1918, p. 215, *Pocket Bulletin*, October, 1926, *passim*.

²²*Am. Ind.*, May, 1915, p. 12.

²³*Ibid.*, March, 1920, p. 7.

²⁴*Ibid.*, August 1, 1909, p. 22.

²⁵*Proc. N. A. M.*, 1912, p. 260.

²⁶*Am. Ind.*, January 15, 1907, p. 19, *Proc. N. A. M.*, 1918, p. 22, 23.

²⁷*Am. Ind.*, May, 1920, p. 19.

²⁸*Proc. N. A. M.*, 1911, p. 277.

²⁹*Am. Ind.*, April, 1915, p. 33.

³⁰*Ibid.*, December 15, 1906, p. 4.

legally punishable."³¹ In addition, most "closed shop" agreements are represented as unlawful.³² General appeals are made to discountenance strikes, since "at least ninety per cent" of the cost is borne by "the innocent public."³³ The loss is said to be borne by workers, retailers, manufacturers, landlords, and all classes in society.³⁴ Likewise the high cost of living and high rent is indicated as being due in part to high wages.³⁵ The Association has sought to influence the public against labor legislation.³⁶ The desire to arouse public sentiment against a practice represented as the source of an added social burden is seen in a speech by Thomas E. Durban, an Association member, at the 1914 Convention:

We must point out to the people that all this legislation that is going on affects them; shorter hours increases the cost of living, raises taxes, creates a condition for them that is really worse than it is for the manufacturers. We owe that to them. We must do it. That is the important thing for this organization to do.³⁷

Recent examples of continued effort in combatting labor legislation through the press and other propaganda agencies are the Association's opposition to the proposed Twentieth Amendment to the Federal Constitution and to the Watson-Parker Railway Disputes Bill.³⁸

CLASSES TO WHICH APPEALS ARE MADE

The evolutionary concept of society, with the prospect of socialized capitalism or possibly some other form of social control supplanting our present economic order, has little place in the mind of the average manufacturer. He seeks in general to maintain the *status quo*, guarding as sacred the individualistic aspects of capitalism. Out of the complexity of social forces which shape our industrial system, none seems to him more powerful than human leadership. The National Association of

³¹*Proc. N. A. M.*, 1920, p. 71, 85, 297, 300.

³²*Am. Ind.*, September, 1910, p. 19.

³³*Ibid.*, April 1, 1909, p. 16, 17; February, 1920, p. 19-27.

³⁴*Ibid.*, June, 1911, p. 7, 8; October, 1911, p. 9.

³⁵*Proc. N. A. M.*, 1915, p. 254-264.

³⁶*Am. Ind.*, October, 1912, p. 13.

³⁷*Proc. N. A. M.*, 1914, p. 168.

³⁸*New York Times*, October 29, 1925, p. 3; February 27, 1926, p. 7.

Manufacturers, representing these manufacturers, accepts the dynamic power of great leaders as the factor most effective in safeguarding individual rights and privileges. The preservation of these rights is thought to depend upon public sentiment, which in turn is dependent upon the influence of public officers, social workers, editors, and leaders in religious, educational, and industrial institutions. In the Association's endeavor to "arouse the great middle class to a realization of what trade unionism really means,"³⁹ it seeks to enlist the support of these leaders in the belief that "the public-spirited masses of the country will rally to their side, and the featherheads and mountebanks who have pretended to talk in the name of labor and who have been casting discredit on many of the labor unions will drop back into obscurity from which they were originally dragged."⁴⁰

CHANNELS THROUGH WHICH ASSOCIATION PRINCIPLES ARE DISSEMINATED

It is the studied effort of the Association to impress the working masses and the entire body politic with the merit embodied in its principles. Appeals are made through various channels, chief of which are the school, the church, the press, and agencies of the state and of industry. These major social institutions supply the mediums through which the propaganda of the National Association of Manufacturers may flow most effectively. The following resolution from the Committee on Resolutions of the National Association of Manufacturers was adopted in 1910, and marks the Association's first notable recognition of the school as a vital factor in their educational program:

WHEREAS, The objects and purposes of this Association represent the highest practical ideas of industrial activity in America; and

WHEREAS, Its acts and deliberations are in the interest of all right-thinking people, whether members of the Association or not; and

WHEREAS, Its influence and power for the good of industry and society can be enlarged by judicious publicity; therefore be it

Resolved, That the directors and officers of this Association consider the advisability of placing copies of its principles, year books, *American Industries*, and other literature in the public and leading college libraries throughout the nation.⁴¹

³⁹*Proc. N. A. M.*, 1903, p. 17.

⁴⁰*Ibid.*, 1907, p. 45.

⁴¹*Ibid.*, 1910, p. 297.

President Edgerton in introducing the Manager of the Industrial Relations Department to the Association Convention in 1923, said, "Mr. Sargent has been getting out letters, collecting data, making addresses, and holding debates with eminent representatives of the other side of the question, making addresses in our colleges and universities, and he has attracted a great deal of favorable attention from our seats of learning in this country. He is teaching the teachers. He is teaching the professors and college presidents."⁴² In recent years some organized effort has been made to place before groups of students in the larger educational centers speakers who would treat the principles of individual liberty, private property, and methods of industrial peace in a manner in keeping with the philosophy of the manufacturers. Speeches, published articles, and debates upon the open shop, the shorter day, the use of the injunction, child labor, immigration, and other topics of equal concern to business interests have served to influence the thought of our American student body. Emphasis has been placed upon these points of cardinal difference in viewpoint between organized labor and organized capital, with a resultant clarity of position of the opposing camps.

The Association's realization of the value of debates is evidenced by its publication of "Open Shop Encyclopedia for Debaters" in 1921, and its effective aid to college teams which oppose the closed shop side of the question. As early as 1904 President Parry in recognition of the efficacy of such propaganda said, "As an evidence of the great public interest in the subject I might cite the numerous college debates on the labor question which have taken place during the year, and in this respect I am glad to say that I have yet to hear of a single debate in which the side favoring the closed shop demand of organized labor has won out."⁴³ President Kirby in his annual address of 1910 made the following statement:

The Association has improved its opportunities to spread the gospel of industrial truth in a way that leaves no room for complaint. It has been fortunate during the past year in receiving a large number of applications for documents and direct information from debating

⁴²*Proc. N. A. M.*, 1923, p. 283.

⁴³*Ibid.*, 1904, p. 24.

teams connected with well-known educational institutions in various parts of the country, especially the kind bearing on the question of the open and closed shop. Our responses to these requests have been prompt and liberal in the supply of data and documents. I may mention that we furnished during the past month forty-two sets of pamphlets to debating societies in schools and colleges in the State of Nebraska alone.⁴⁴

Association leaders have at various times spoken before the American Academy of Political and Social Science.⁴⁵ Illustrative of other direct contact with educational centers are speeches or debates presented at Greenwich House in New York City,⁴⁶ at the University Forum of New York University,⁴⁷ at the Young Men's Hebrew Association of New York City,⁴⁸ at Kenyon College,⁴⁹ at Ohio University,⁵⁰ and at the University of Illinois.

The church and various governmental agencies offer other channels through which the masses may be approached in a convincing manner. The clergy and statesmen are dogmaticians to a far greater degree than are their more academic brothers, the school men. If these positive speakers can be won to a cause, their influence is felt mightily with the common people so susceptible to suggestion and assertion. Religious and governmental leaders must then be successfully approached. The Association believes this can best be accomplished through its literature and addresses. This conviction, and the measure of importance attached to reaching the religious and political leaders, is indicated in President Kirby's statement, "We believe that the most effective work of this Association will develop through the dissemination of literature and by public addresses which proclaim to all the people the principles for which the Association stands. And through these agencies we aim to reach more particularly the preachers, the educators, and the politicians, to which classes alone more than 47,000 pamphlets have been mailed dur-

⁴⁴*Ibid.*, 1910, p. 95; *Pocket Bulletin*, December, 1926, p. 7.

⁴⁵*Am Ind.*, April, 1912, p. 33; *Proc. N. A. M.*, 1915, p. 35.

⁴⁶*Am. Ind.*, April, 1912, p. 32.

⁴⁷*Ibid.*, April, 1913, p. 39; May, 1913, p. 34.

⁴⁸"Address of John Kirby, Jr., before the Young Men's Hebrew Association of New York City," *N. A. M. Pamphlet*.

⁴⁹*Am Ind.*, March, 1911, p. 42.

⁵⁰*Ibid.*, April, 1914, p. 40.

ing the past six months."⁵¹ The literature is placed "especially before the editors, the clergymen, the college professors, and the other professional men" since they "are the natural leaders of the people in every community."⁵²

Employers' associations, members of the American Bankers' Association,⁵³ commercial clubs, chambers of commerce, citizens' industrial associations, farmers' organizations,⁵⁴ and industrial managers, constitute the channels through which the principles of the National Association of Manufacturers flow to American industry. On behalf of industrial managers the Association Committee on Industrial Relations recommended in 1923 that the executive officers of the Association be authorized "to take such steps as may be necessary and advisable to develop a plan of constructive education of managers and workers in industry in the fundamental principles of economics, of government, and of human relations in a Christian civilization."⁵⁵

Beginning in 1911 the President, together with his associates, conducted a series of "missionary meetings" in leading cities in the East and on the Pacific Coast in the hope of enthusing Association members and adding to the membership.⁵⁶ In the following year this was continued, particularly in the East, and again in 1919-1920 sessions were held in San Francisco, Newark, Pittsburgh, and Cleveland, as a result of which over 270 members were added from these four cities.⁵⁷ These public appearances serve not only to make a contact with employers, but are so conducted as to secure the interest and attendance of workers in the trades and professions. In 1911, the year when this propaganda method was launched, President Kirby estimated that he and his associates had spoken to a quarter of a million persons, that three times that number had been reached through the Association's bulletins and magazines, and that if the "countless columns of press notices" given to their official utterances

⁵¹*Proc. N. A. M.*, 1910, p. 96, 97.

⁵²*Am Ind.*, May 1, 1909, p. 6.

⁵³*Proc. N. A. M.*, 1924, p. 13.

⁵⁴*Ibid.*, 1910, p. 96.

⁵⁵*Ibid.*, 1923, p. 54.

⁵⁶*Ibid.*, 1911, p. 78; cf. p. 92.

⁵⁷*Ibid.*, 1912, p. 61.

were added fully fifteen million people had in that year heard and read of the objects and purposes of the Association.⁵⁸

Thus the American home, which is our basic social institution, becomes familiar with the ideals and purposes of the National Association of Manufacturers. In recognition of the service of the press in reaching the people, a member urged before the Convention body in 1914 that, since the Association magazine did not reach the masses, and since such contact is vital to the life of the organization, a bureau be established "to send out its doctrine and if necessary pay for its publication in the leading papers of the United States."⁵⁹ The importance which President Parry attached to the press is evidenced in these words: "I am able to state that a number of the leading journals of the country have come out boldly against the presumptuous acts of unionism. These newspapers have rendered an inestimable service, and they should receive our fullest support."⁶⁰

The Association literature is replete, however, with accusations that labor controls the press unduly.⁶¹ In the hope of neutralizing this opposing influence, and instituting a positive nationwide drive for publicity of Association principles through the press, a lengthy resolution was passed at the 1920 Convention, from which the following is an excerpt:

WHEREAS, There exists a widespread social unrest which is destructive of individual happiness, unsettling to industry, and against the general welfare of all the people and which if continued threatens the very foundations of the Nation itself; and

WHEREAS, This unsettled mental state is caused largely by fancied wrongs which have been made to appear as real, both by careless or misleading statements appearing in the public press and by the deliberate misrepresentation and falsehood of those radical leaders who, for selfish reasons, seek by the preaching of unsound economic doctrines to overturn that government which has created the most equal opportunity for advancement ever enjoyed by man; and

WHEREAS, The industrial centers have been and are now being flooded with the most amazing quantities of insidious and well-written propaganda condemning the existing order of society and advocating

⁵⁸*Ibid.*, 1911, p. 78.

⁵⁹*Ibid.*, 1914, p. 170.

⁶⁰*Ibid.*, 1904, p. 24.

⁶¹*Ibid.*, 1920, p. 190-202, 296, 302, 303; "Throttling the Nation's Press," *N. A. M. Bulletin*, *passim*.

doctrines which have already undermined the will to work and by breeding inefficiency and strikes have enormously curtailed production and which if persisted in can only bring disaster, and

WHEREAS, Such propaganda can be successfully counteracted only by making available to the great mass of the people industrial information and elementary economic principles which will enable them to see the vicious sophistry of such propaganda; now be it

Resolved, . . . That the Board of Directors of this Association be asked to carefully investigate the possibilities, in conjunction with such other organizations as may seem desirable, of planning and starting a nation-wide drive to furnish to all our people the simple fundamental economic facts which must be the basis of successful industry and successful industrial nations to the end that they may realize that happiness and prosperity can be achieved only by industry and natural laws and not by idleness and force.⁶³

This is in accord with President Edgerton's injunction to fellow manufacturers in their guidance of employee thought, "Let them get from us their ideals and standards of life rather than from those pseudo-friends who exploit them through appeals to their ignorance, prejudice, and baser passions, and who prey upon their confidence in the name of a common unworthy cause."⁶⁴

In the single year 1922 the "Association received through the newspapers of the country publicity to the extent of 7,488 separate stories or items and approximately 4,278 columns."⁶⁵ Secretary Boudinot states in his report of 1922 that "excellent contacts have been formed with editors and influential reporters on large papers throughout the East by personal conferences, and important stories have been sent out under the signatures of the leading news-gathering organizations and newspaper syndicates."⁶⁶

The Publicity Department,⁶⁷ which, in conjunction with the Industrial Relations Department, bears the responsibility of making the Association and its principles better known, utilizes

⁶³*Proc. N A M.*, 1920, p. 300.

⁶⁴*Ibid.*, 1923, p. 116.

⁶⁵*Ibid.*, 1922, p. 159.

⁶⁶*Ibid.*, p. 160 These include the Associated Press, International News Service, United Press, Cosmopolitan News Service, the Consolidated News Service, and the Edward Marshall Syndicate, the latter of which specializes only in interviews with leading public men.

⁶⁷*Ante*, p. 23.

many agencies to mold public opinion. It is referred to by President Edgerton as "the mouthpiece of the organization through which it speaks to the press which is the medium through which we speak to the Nation."⁶⁷ Secretary Boudinot states in his 1926 report that "the operations of the Publicity Department for the fiscal year show a flat increase of one hundred per cent in actual space covered and fifty per cent increase in number of clippings received In 1926 we received nearly 7,500 clippings representing over 2,600 columns and a circulation of more than one hundred and eighty-one million copies."⁶⁸ The report shows that nearly 2,400 clippings were obtained in the fight against the Watson-Parker Railway Labor Disputes Bill alone.⁶⁹

The following resolution as presented by the Committee on Resolutions was adopted in 1914:

WHEREAS, The youth of our country has heretofore been educated and taught by all to look forward to and work for success; and

WHEREAS, Success now in a material sense seems to be regarded by many as wholly inconsistent with personal integrity and business probity; and

WHEREAS, The National Association of Manufacturers stands for the nobility of industry, highest civic responsibility, and the dignity of trade and commerce.

Therefore, be it Resolved, That we recommend to the incoming Board of Directors the advisability of further extending our educational activities through as many and varied channels as possible, to the end that public opinion may encourage and stimulate all those forces which generate our industrial life.⁷⁰

In addition to wide use of the press the Publicity Department issues magazines, folders, bulletins, and a series of pamphlets known to the Association as "Educational Literature," convention reports, and articles in popular and trade magazines. Valuable service has also been rendered through research bureaus, motion pictures, the radio, and books and articles prepared by influential persons.

The Association launched its propaganda program in 1902 with the publication of *American Industries*. Secretary Boudinot urged that "every manufacturer, and every employer," should

⁶⁷*Proc. N. A. M.*, 1923, p. 283

⁶⁸*Ibid.*, 1926, p. 79.

⁶⁹*Post*, p. 144, 145.

⁷⁰*Proc. N. A. M.*, 1914, p. 199.

read it since "it preaches his gospel."⁷¹ The character of the publication has been described in a slightly different manner in some of its own pages while in others the essence of Secretary Boudinot's statement is expressed. The following will serve to illustrate:

Through its official organ, *American Industries*, which has a wide circulation among manufacturers, statesmen, educators, and working men, the Association is constantly engaged in influencing public opinion to take not a one-sided but a broad minded view of the great industrial problems which have in recent years so pressed for a solution.⁷²

American Industries, the manufacturer's magazine, is the authoritative exponent of the interests of the employers of America, reflecting every phase of their activities in the industrial arena.⁷³

Mr. Employer, you are interested in the open-shop movement . . . *American Industries* is the official organ of the movement. The very least that you can do in your own interest and in the interest of the cause is to place copies of *American Industries* where they will do some good. We can tell you how.⁷⁴

The *Washington Service Bulletin* appears twice each month and describes the nature, purposes, and disposition of Congressional legislation, cases before Federal Courts, the rulings and announcements of various administrative departments, bureaus, and commissions, as these national authoritative agencies affect the interests of employers.

Beginning in 1909 a series of "Educational Literature" was begun, which in 1926 had grown to fifty-four bulletins, a majority of which contain attacks upon union activities. A few titles will indicate the controversial matter which is discussed in these bulletins: "Throttling the Nation's Press," "The Labor Lobby," "The Real Problem of the Eight-hour Day," "The Doom of the Boycott," "Industrial Freedom: Its Friends and Enemies," "The Union Label a Detriment to Business," "Injunctions," "The Goal of the Labor Trust," "The Crime of the Century and Its Relation to Politics," and "Class Legislation." In the year 1910-1911 the Association distributed nearly 400,000 printed pamphlets on its various policies and principles.⁷⁵ This literature is looked

⁷¹*Proc. N. A. M.*, 1908, p. 127.

⁷²*Am. Ind.*, December 15, 1907, p. 5; cf. *Proc. N. A. M.*, 1908, p. 127.

⁷³*Am. Ind.*, May, 1915, p. 45.

⁷⁴*Ibid.*, August 1, 1909, p. 3.

⁷⁵*Proc. N. A. M.*, 1911, p. 78.

upon by the Association as containing "facts for debaters and others seeking light on the principles of trade unionism,"⁷⁶ and as the instrumentality through which class legislation in support of the practices of unionism may be fought most effectively.⁷⁷

Charles W. Eliot, President of Harvard University, *Emeritus*, and J. Laurence Laughlin, Professor of Economics, *Emeritus*, of the University of Chicago, have with others contributed to the volume of literature useful to the Association. In 1920 the National Association of Manufacturers added to its "Educational Literature" a series of ten pamphlets by Professor Laughlin, being the following titles: "The Solution of the Labor Problem," "Monopoly of Labor," "Is Labor a Commodity," "Socialism a Philosophy of Failure," "Wages and Prices—What are Prices?", "The British Industrial Crisis," "British and American Labor Problems," and "Extravagance."⁷⁸

The Proceedings of the Annual Conventions of the National Association of Manufacturers are published, but have a very limited circulation. The radio has been used, however, in broadcasting certain parts of the programs. In the Convention of 1924 preceding the National Party Conventions, arrangements were made with the Radio Corporation of America to broadcast the "Platform of American Industry."⁷⁹ In the same year a resolution was passed by the Association Convention extending thanks to the members of the press "for their careful and thoughtful attention to its proceedings."⁸⁰ A very attractive bulletin was published in 1926 under the caption, "The Nation's Industry in Convention." It epitomizes the work of each convention from 1895 to 1926.

As a development of exhaustive studies in the field of industrial relations by Association committees formed to undertake special research tasks, President Pope announced at the Convention of 1917 the formation of the National Industrial Conference Board.⁸¹ It was created as a research bureau, to operate

⁷⁶Pamphlet bearing this title.

⁷⁷*Am. Ind.*, May 1, 1909, p. 6

⁷⁸*Special Information Bulletin*, Associated Employers of Indianapolis, October 25, 1920, p. 2.

⁷⁹*Proc. N. A. M.*, 1924, p. 148; *post*, p. 103-105.

⁸⁰*Proc. N. A. M.*, 1924, p. 216.

⁸¹*Ante*, p. 27, 28.

for investigation and surveys of economic and industrial questions, and the presentation, analysis, and interpretation of data acquired in these investigations. It was further announced that a few other industrial organizations had, with the National Association of Manufacturers, formed a coalition, the result of which was the National Industrial Conference Board, the action being subsequently confirmed by the Board of Directors of the National Association of Manufacturers.⁸² The publications of this research bureau supply a channel through which the National Association of Manufacturers reaches the people with its most objective literature. President Pope, in commenting upon the importance and probable achievements of the Board, said:

There is need to inform and mobilize the collective judgment of business men on industrial questions and to give it such expression as will reflect itself in public opinion and legislative policy . . . The conclusions and recommendations of the Board on these problems, with the data upon which they are based, will be widely distributed by means of an official publication. An intelligent digest and interpretations of current happenings in the industrial field will also be issued, and the influence of the member associations, the public press, and expert representatives will be relied upon to make the conclusions of the Board effective. The Board is an investigative, deliberative, and advisory body. It enters upon industrial research with fixed principles but without preconceived opinions, except that it believes in preservation of individual opportunity and freedom of action as great as is compatible with public welfare.⁸³

Certain popular, trade, and professional periodicals have been singled out as suitable conveyors of the Association's principles, some chosen with the apparent intent of reaching the employer or the professional man, others for their popular appeal. The former include *Pennsylvania Manufacturer*, *Buffalo Commercial*, *New York Journal of Commerce*, *Constructor*,⁸⁴ *Protectionist*,⁸⁵ *Square Deal*,⁸⁶ *Manufacturers' Record*,⁸⁷ *Iron Trade Review*,⁸⁸

⁸²"The Nation's Business in Convention," *N. A. M. Bulletin*, p. 21.

⁸³*Proc. N. A. M.*, 1917, p. 114.

⁸⁴*Ibid.*, 1923, p. 17.

⁸⁵*Protectionist*, Vol. XV, p. 733 *et seq.*

⁸⁶*Square Deal*, June, 1908, p. 5.

⁸⁷*Proc. N. A. M.*, 1926, p. 80.

⁸⁸*Iron Trade Review*, April 24, 1913, p. 964.

Engineering Magazine,⁸⁹ *Railroad Gazette*,⁹⁰ *Annals of American Academy of Political and Social Science*,⁹¹ and *Harvard Alumni Bulletin*.⁹² Of the latter, mention may be made of *Harper's Magazine*,⁹³ *Van Norden Magazine*,⁹⁴ *Arena*,⁹⁵ *Century*,⁹⁶ *Sunset Magazine*,⁹⁷ *New Republic*,⁹⁸ *Outlook*,⁹⁹ *Spectator*,¹⁰⁰ *World's Work*, and *Review of Reviews*.¹⁰¹

Some of these magazines are openly in support of the Association's principles, such as the *Buffalo Commercial*. Others merely act as open forums, of which the *Review of Reviews* is typical. A third class, including the *New Republic* in particular, is not favorable to the Association's stand on the open shop, and publishes its articles as a basis for adverse criticism. It is not to be inferred that a magazine formerly favorable to the Association's principles is necessarily so today.

The manufacturers recognize full well that articles published in popular journals will best break down prejudice if the insertions do not appear to come from the Association, since that which is printed under its signature "is naturally discounted" by some.¹⁰² The National Association of Manufacturers offers its distinct support to certain publications, while to others its patronage is withheld. The basis for acceptance or rejection is apparent in the following statements, the first made by President Kirby and the second a resolution adopted as presented by the Committee on Resolutions at the 1918 Convention:

Among the magazines, the *Century* has been foremost in the publication of articles condemning the lawless and unjust methods of labor

⁸⁹*Engineering Magazine*, April, 1904, p. 106-108.

⁹⁰*Railroad Gazette*, February 12, 1904, p. 107-109.

⁹¹*Annals of American Academy of Political and Social Science*, September, 1910, p. 373-380.

⁹²*Harvard Alumni Bulletin*, November 27, 1924, p. 291.

⁹³*Harper's Magazine*, March, 1905, p. 528-533.

⁹⁴*Van Norden Magazine*, November, 1908, p. 200-203.

⁹⁵*Arena*, May, 1898, p. 686 et seq.

⁹⁶*Proc. N. A. M.*, 1911, p. 87.

⁹⁷*Ibid.*, 1918, p. 325, 326.

⁹⁸*New Republic*, March 18, 1916, p. 182-184.

⁹⁹*Proc. N. A. M.*, 1923, p. 17.

¹⁰⁰*Ibid.*

¹⁰¹*Ibid.*, 1926, p. 80.

¹⁰²*Ibid.*, 1908, p. 325.

unions. Many highly commendable articles of such character have not only appeared in its pages, but they have been printed in pamphlet form as well, and freely distributed. I need hardly say to you that such publications should receive our patronage in preference to those whose columns and pages are filled with cheap sensational trash tending to breed discontent, chaos and anarchy, and it is well that we should remember this.¹⁰⁹

WHEREAS, *The Sunset Magazine*, a monthly periodical issued in the City of San Francisco, has recently published a series of articles relating to the causes and circumstances operating to restrict shipping production in that region, and

WHEREAS, The facts carefully compiled and admirably presented have in our opinion contributed in no small degree to the stimulation of increased efficiency in shipping production, and

WHEREAS, Malicious and unwarranted attacks have been made upon this publication because of its able and courageous presentation of facts with which the people of this country should be familiar, therefore be it

Resolved, That the National Association of Manufacturers in convention assembled expresses its appreciation of the valuable contribution the *Sunset Magazine* has made to our knowledge of production conditions in the vital business of shipbuilding, and recommends this periodical to the attentive consideration of business men.¹¹⁰

In discussing the means by which anti-employer agitation might be lessened, President Kirby declared that "this condition will change only as advertisers withdraw their support from newspapers and other publications which seek circulation through means that are destructive of the real welfare of the people and especially damaging to the interests of those who support them with their advertising."¹¹¹

The National Association of Manufacturers has been especially anxious to influence publications that reach the workingman so as to counteract radical agitation.¹¹² In 1908 it passed a resolution condemning "the excesses of agitation under the guise of moral crusade, such as child labor, railway reform, and similar movements,"¹¹³ and in 1920 the Board of Directors was asked to launch "a nation-wide drive to furnish all of our people the

¹⁰⁹*Proc N A M.*, 1911, p. 87; *Am. Ind.*, February, 1911, p. 43.

¹¹⁰*Ibid.*, 1918, p. 325, 326.

¹¹¹*Am. Ind.*, November, 1912, p. 43.

¹¹²*Proc. N A M.*, 1914, p. 168, 169.

¹¹³*Ibid.*, 1908, p. 316.

simple fundamental facts which must be the basis of successful industry and successful industrial nations."¹⁰⁸

One other modern and effective channel through which the manufacturers' point of view may be brought favorably to the masses is worthy of consideration. The National Association of Manufacturers conceives of "no other method for the diffusion of accurate information and fair understanding of the relation of industry to the public and the Nation that is comparable to the motion picture."¹⁰⁹ In 1922 a resolution was passed providing for immediate contact with producers of films, owners of theatres, and university officials, with the view of making an approach through a new channel to students and the general public. It is recognized that the picture speaks all languages and so can impress the immigrant who has felt but little the influence of the melting pot, that it has neither the linguistic nor the mental and educational limitations of the printed word. Ocular experience is conceded as being supreme in its impression upon the understanding. It is a psychological fact that to see and to conclude are almost simultaneous processes with the average human being. The screen makes visualization of both the concrete and the abstract possible, bringing thus the most abstruse matter to the comprehension of the dullest mind.

The chairman of the Committee on Resolutions, upon presenting a recommendation sponsoring extensive use of films in the educational program of the Association, said:

It is our opinion that exhaustive consideration should be given to the subject of interpreting industry in the broader sense to the public through the motion picture. We mean by this that every use of films should be made with a view to showing the public the soundness of industry, its basic importance, the essential equity of the present organization of society, and the fallacies of the innumerable isms that are now working to undermine the social organization which has so slowly and painfully evolved.¹¹⁰

¹⁰⁸*Am Ind.*, June, 1920, p. 12, 17, 18; *Proc N. A. M.*, 1920, p. 85, 297, 300.

¹⁰⁹*Proc. N. A. M.*, 1922, p. 363.

¹¹⁰*Ibid.*, 1922, p. 362; cf. *New York Times*, June 25, 1923, p. 2.

IMPORTANCE OF THESE METHODS IN THE FORMATION
OF PUBLIC OPINION

In consideration of the importance which should be attached to these many methods of propaganda, one turns again to the avowed goal sought in their use, that of influencing public opinion, since it "makes the laws of this country."¹¹¹ It would appear evident that the agencies employed by the National Association of Manufacturers to enlist the favor and support of all classes of people do attract a "social attention" resulting in "collective decision or action."¹¹² But that public opinion is so directly responsible for the making of laws is a matter in doubt.¹¹³ Public opinion is probably not that composite psychic unit representative of a homogeneous will which so many would picture it as being. We have had foisted upon us, by various propaganda movements, the notion of a mythical entity, called Society. Viewed realistically, we know it to be a complex of social relations, and how effectively this heterogeneous group can be marshalled in making laws is problematical. The magnitude of a propaganda campaign is a relatively accurate objective study in pressure brought to bear upon this complex society. It is impossible, however, to measure with the same degree of accuracy the reaction which results from such pressure. The bulletins prepared by the Association in opposition to the proposed Twentieth Amendment to the Federal Constitution, for instance, can be enumerated, together with the speeches made, the films run, the columns secured in newspapers, thus measuring the pressure of propaganda quantitatively; but the reaction from the public cannot be measured in like manner. Public sentiment is directed for or against certain issues, but it is more rational to believe that the laws themselves are made by men, interests, and classes, than to attribute to so intangible a force as public opinion the power to directly make laws.¹¹⁴

¹¹¹ *Ante*, p. 63.

¹¹² Ross, E. A., *Social Psychology*, p. 346.

¹¹³ Cf. Lippman, Walter, *The Phantom Public*, *passim*.

¹¹⁴ . . . consider 'Government by Public Opinion' as a formula . . . It is an admirable formula; but it presupposes, not only that public opinion exists, but that on any particular question there is a public opinion ready to decide the issue. Indeed, it presupposes that the supreme states-

While this analysis questions the effectiveness of propaganda methods intended to change the mental attitude of the masses, and thereby to guide directly the course of legislation, it casts no reflection upon the legitimacy of Association methods. The right to express freely any doctrine is supported in the words of Justice Holmes of the United States Supreme Court as he attempts to justify either revolutionary or reactionary propaganda, "The best test of truth is the power of the thought to get itself accepted in the competition of the market."¹¹⁵

man in democratic government is public opinion. Many of the shortcomings of democratic government are due to the fact that public opinion is not necessarily a great statesman at all."—From "Some Thoughts on Public Life," a lecture by Viscount Grey of Fallodon, February 3, 1923.

¹¹⁵"Public Opinion," Senate Documents, Vol. XIV, 66th Congress, 2d Session, 1919-1920, *Document No. 175*, p. 8.

CHAPTER IV

OPEN SHOP ACTIVITIES

DIVISIONS OF THE INDUSTRIAL RELATIONS DEPARTMENT

Closely allied to the Publicity Department of the National Association of Manufacturers, and its methods of influencing public thought, is the Industrial Relations Department, and its methods of battle against the closed shop. The former department is in fact but the outgrowth of the Open Shop Publicity Bureau. The Industrial Relations Department, until recent months known only as the Open Shop Department,¹ was formed in 1920,² and has since organized its work under five divisions, namely, Open Shop, Fuel Supply, Employment Relations, Junior Education and Employment, and Women's Bureau.³ The purpose of the Department is to operate as a research and publicity bureau, through which it may demonstrate "the great abnormal costs of the closed shop system rising from industrial disputes and uneconomic rules and practices."⁴

OPEN SHOP—THE "AMERICAN PLAN"

Since 1903 the Association has continuously advocated the open shop policy, and in 1904 included the following paragraph in its Declaration of Labor Principles:

Employers have the right to contract for their services in a collective capacity, but any contract that contains a stipulation that employment should be denied to men not parties to the contract is an invasion of the constitutional rights of the American workman, is against public policy, and is in violation of the conspiracy laws. This Association declares its unalterable antagonism to the closed shop and insists that the doors of no industry be closed against American workmen because of their membership or non-membership in any labor organization.⁵

¹*Ante*, p. 23; both department titles were used at the Convention of 1926. *Proc. N. A. M.*, 1926, p. 40, 134.

²Letter from Noel Sargent, Manager of the Industrial Relations Department, to E. A. Holmgreen, San Antonio, Texas, October 8, 1923; cf. *Proc. N. A. M.*, 1925, p. 76.

³Statement of Department Organization submitted by Noel Sargent, August 20, 1926.

⁴*Proc. N. A. M.*, 1925, p. 77; cf. 1910, p. 281 *et seq.*; 1924, p. 83; 1925, p. 66.

⁵*Ante*, p. 38.

This principle has been officially reaffirmed several times,⁶ and was set forth in more detail at the 1923 Convention in a formal open shop declaration of five parts.⁷ The open shop movement, launched by the National Association of Manufacturers in 1903, harks back to the declaration for the open shop made by the National Metal Trades Association in 1901.⁸ Mr. E. F. DuBrul, then a commissioner of that body, assisted in drafting its open shop declaration, patterning it after the principles previously formulated by the Federated Engineering Employers of Great Britain. He was also a member of the Committee on Resolutions of the National Association of Manufacturers, and with former Presidents Van Cleave and Kirby shared in preparing the open shop declaration for the Manufacturers' Association.⁹ It is then not strange that a comparison between the code of the National Association of Manufacturers and that of the National Metal Trades Association reveals a marked similarity.¹⁰

An Open Shop Committee was appointed with the organization of the Department in 1920. Its functions are broadly defined as "educational." To this end it has defined the basic terms with which it deals so extensively. The expressions "open shop" and "closed shop" are defined in the *Open Shop Encyclopedia for Debaters*, prepared by the National Association of Manufacturers in 1921, thus:

"Open shop" is an expression given to firms or corporations who hire anybody capable of performing the task for which they are hired, regardless of whether or not they belong to a trade union.

"Closed shop" is a term used by trade unions when referring to shops, stores, or factories with whom they have an agreement to employ none but union members."

The American Federation of Labor has advocated the closed shop consistently throughout its experience. Its Convention Pro-

⁶*Proc. N. A. M.*, 1910, p. 133; 1926, p. 108.

⁷*Ante*, p. 47, 48; *Proc. N. A. M.*, 1925, p. 293, 294.

⁸*Open Shop Review*, November, 1920, p. 5, 6.

⁹Letter from E. F. DuBrul to Noel Sargent, August 4, 1926; letter from Noel Sargent to the writer, September 10, 1926.

¹⁰*Ibid*; *Open Shop Review*, *op. cit.*

¹¹*Open Shop Encyclopedia for Debaters*, p. 9; cf. "The Banker and the Open Shop," *N. A. M. Bulletin*, p. 2; "Why the Open Shop?" *N. A. M. Bulletin*, p. 2.

ceedings of 1890 show the adoption of a resolution declaring that "it is inconsistent for union men to work with non-union men."¹² The issuance of injunctions to prevent strikes for the closed shop was severely criticized by the Federation at its 1910 Convention.¹³ The report of the Executive Council in 1926 declared that even though the campaign in support of the open shop or "American plan" had been "defeated and discredited," the purpose it expressed still persisted.¹⁴

Labor's position in support of the closed shop is considered un-American by the National Association of Manufacturers, "an invasion of the constitutional rights of the American workman," and destructive to our most sacred national ideals. Because of this attitude the open shop has come to be commonly known in the Association's literature as the "American plan."¹⁵ In this patriotic setting, the open shop principle has made an effective appeal as presented by Association leaders such as Parry, Van Cleave, Kirby, Mason, and Edgerton. The latter, speaking before the Tennessee Manufacturers' Association in 1920, said:

We could not profess without arrant hypocrisy our fervid attachment to the concepts and immortal pronouncements of the great Constitution of the greatest government on earth, nor confess our faith in its righteous intent, if at the same time we preached or practiced the doctrine that a man should be denied the right to work unless he holds a membership in any organization subordinate to our government. The two attitudes are patently irreconcilable. When the people of this enlightened country surrender to the absurdity of the argument for the so-called closed shop and accept it as an established institution, they will owe it to the devil to repudiate the Decalogue and repeal the Constitution of the United States.¹⁶

FUEL SUPPLY

When the Jacksonville Agreement of April, 1924, was signed, providing that the increased wage scale established for bitumin-

¹²*Proceedings of the American Federation of Labor*, 1890, p. 42.

¹³*Ibid.*, 1910, p. 21 et seq.

¹⁴*Ibid.*, 1926, p. 46.

¹⁵*Open Shop Bulletin*, No. 16, p. 8; *New York Commercial*, February 28, 1925, p. 1.

¹⁶*Open Shop Bulletin*, No. 5, p. 1; cf. Van Cleave's statement, *Proc. N. A. M.*, 1909, p. 58; cf. "Why the Open Shop?" *N. A. M. Bulletin*, p. 3, 4; "Onward March the Open Shop," *N. A. M. Bulletin*, p. 5, 6.

ous coal miners in 1920 be maintained for three years,¹⁷ the Association at once created a Fuel Supply Committee as a division of the Industrial Relations Department.¹⁸ Walter Drew, Counsel for the National Erectors' Association, was made a member of the committee of five, since his Association had joined the National Association of Manufacturers in a common endeavor to prevent further unionization of the coal fields during the three-year period covered by the trade agreement.¹⁹ The United Mine Workers of America were believed to be "carrying on a process of 'infiltration' in independent coal fields of West Virginia, Kentucky, and other states designed to unionize these fields."²⁰

EMPLOYMENT RELATIONS

The Employment Relations Committee is an outgrowth of the Industrial Relations Committee of 1923 and 1924, which was in turn a reorganization of the Committee on Industrial Betterment, Health, and Safety.²¹ Its avowed purpose is to "present to the membership of the National Association of Manufacturers some fundamental considerations and principles with relation to methods designed to so operate within the plant as to increase constructive cooperation between employer and employee."²² The Committee is in hearty accord with the traditional policy of the Association as it relates to the open shop, and holds that recognition of a union which excludes non-members "destroys entirely the opportunity of an incentive for cooperative effort within the plant."²³

JUNIOR EDUCATION AND EMPLOYMENT

The Federal Child Labor Legislation of 1916 and 1919, culminating in the proposed Twentieth Amendment to the Federal

¹⁷Suffern, A. E., *The Coal Miners' Struggle for Industrial Status*, p. 101-108, esp p 108.

¹⁸*Proc N A M*, 1925, p. 115.

¹⁹Letter from S. W. Utley, Chairman of Fuel Supply Committee of the National Association of Manufacturers, to members of the Association, June 15, 1925.

²⁰*Ibid*.

²¹*Proc. N. A. M.*, 1922, p. 4; 1923, p. 52; 1924, p. 87; 1925, p. 100.

²²*Ibid*, 1924, p. 88.

²³*Ibid*, 1926, p. 137, 138.

Constitution, constituted, according to the interpretation of the National Association of Manufacturers, an infringement upon the right of contract, and gave rise to the appointment of a Committee on Junior Education and Employment at the 1925 Convention. The Committee is expected to prepare statistical studies showing the extent of junior employment, the value and use made of present educational systems, and the extent and causes of accidents to minors in industry.²⁴

WOMEN'S BUREAU

American women have experienced in this century an educational, economic, and political emancipation. The growth of co-educational institutions, the war-time opportunities in industry, and the Nineteenth Amendment to the Federal Constitution, were the contributing factors leading to the change in woman's social and civic status. With over two million women employed in our factories, and twelve million exercising their newly acquired right of suffrage, the manufacturers recognized a new economic and political power, which might under proper guidance prove effective in the propaganda and legislative activities of the Association. The Women's Bureau was formed in 1926 to guide this potential power by acquainting the women of America with the merit of the Association's principles. Marguerite B. Benson, the Director of the Bureau, has stated that "all the activities of the Women's Bureau will be pursued, naturally, without deviating from the Declaration of Principles of the National Association of Manufacturers."²⁵

METHODS EMPLOYED IN OPPOSING THE CLOSED SHOP

These five divisions of the Industrial Relations Department, each with its director and special committee, under the guidance of the Department's manager, are united to fight the closed shop in American industry. The Association has taken no more positive position than its uncompromising stand against the closed shop.²⁶ The Convention of 1920 had as the outstanding feature of the program the principle of the open shop. The

²⁴*Proc. N. A. M.*, 1926, p. 81.

²⁵*Pocket Bulletin*, January, 1927, p. 10; cf. *Proc. N. A. M.*, 1926, p. 56, 57

²⁶*Proc. N. A. M.*, 1909, p. 58.

organization of the Open Shop Department²⁷ at that time constituted part of a spontaneous movement among industrialists throughout the country against the closed shop system, which experienced a phenomenal growth during, and immediately following, the World War.²⁸ William McCarroll, a pioneer and former member of the Association's Board of Directors, said in 1920, "The most important question that remains unsolved . . . in the industrial life of the United States, is the question of 'the open shop,'"²⁹ J. Philip Bird, General Manager and Assistant Treasurer of the National Association of Manufacturers from 1910 to 1921, stated that the Association had never swerved for an instant from the "great principle of America, the right of every man to earn a living in a lawful way. This is the cardinal, guiding keynote, the one slogan that your officials keep constantly before us. It may be interpreted as the open shop; it may be labeled as some other thing, but the one great principle upon which this organization stands is that one thing, and it believes absolutely in every action it has ever taken."³⁰ In President Edgerton's words, "the open shop was first proclaimed in 1903 by a representative national body as the *sine qua non* of our industrial safety, advancement, and supremacy."³¹

PROPAGANDA

The Association seeks to impregnate American thought with this fundamental principle, employing to that end all the propaganda agencies described in the preceding chapter. The "educational" process is confined largely to schools and the clergy.³² Books, magazine articles, and bulletins prepared by well known educators, statesmen, and religionists, are extensively used in reaching school and church leaders and those who come under their influence. President *Emeritus* Charles Eliot of Harvard has written much in support of the open shop and in condemna-

²⁷Now the "Industrial Relations Department."

²⁸*Proc. N. A. M.*, 1925, p. 76.

²⁹*Ibid.*, 1920, p. 47.

³⁰*Ibid.*, p. 62.

³¹*Ibid.*, 1926, p. 62

³²Letter from Noel Sargent to E. A. Holmgreen, *op cit.*

tion of the closed shop,³³ as have other educators such as Dean Robertson of New York University,³⁴ Chancellor Day of Syracuse University,³⁵ J. Laurance Laughlin, Professor of Political Economy, *Emeritus*, University of Chicago,³⁶ and George B. Cutten, President of Colgate University.³⁷ In addition, the writings of industrialists and statesmen, such as John Henry Hammond,³⁸ Elbert H. Gary, and Henry Cabot Lodge,³⁹ have found a place in the Department's "educational literature." The statements of prominent Protestant and Catholic clergymen, such as the Rev. S. Parkes Cadman⁴⁰ and the Rev. John L. Belford,⁴¹ are used to carry the message of the open shop to the churches. Magazines, bulletins, and pamphlets, published by the Association, together with several selected popular and professional periodicals, the press, and speeches, are mediums for open shop propaganda. The reports of Secretary Boudinot in 1922 and 1924 include the statement that the "Department has further broadened its contacts with industrial associations, with clergymen and other educators. Addresses, special studies, general publications, newspaper releases, answers to special requests for information, are among the educational methods pursued by the Department; for example, it has supplied 1,500 colleges and university teachers of economics and sociology with material."⁴² "Many periodicals and open shop associations have reprinted matter issued by the Department. Over 1,500 debaters have been given assistance by mail in advocating the open shop. At least twelve universities now distribute our open shop literature

³³Eliot, Charles, *The Future of Trades-Unionism and Capitalism*, *passim*; cf. *Harvard Alumni Bulletin*, December 13, 1923.

³⁴*Open Shop Bulletin*, No. 6, p. 3.

³⁵"The Open or Closed Shop?" *N. A. M. Bulletin*, p. 23.

³⁶"Closed v. Open Shop Unionism," *N. A. M. Bulletin*, "Supplement," p. 14-26; *ante*, p. 75.

³⁷*Proc. N. A. M.*, 1926, p. 224-233; cf. *Open Shop Encyclopedia for Debaters*, p. 112.

³⁸*Proc. N. A. M.*, 1926, p. 234-241.

³⁹*N. A. M. Open Shop News Letter*, No. 4, September 1, 1922; *New York Times*, August 29, 1922.

⁴⁰*Open Shop Encyclopedia for Debaters*, p. 211, 212.

⁴¹*Proc. N. A. M.*, 1926, p. 250-258

⁴²*Ibid*, 1924, p. 13; cf. 1922, p. 14, 15, 158; 1923, p. 17; 1925, p. 54, 66, 76-87.

throughout their states in 'Package Loan Libraries.' Practically all of the college and university teachers of sociology, government, and economics receive our publications."⁴³

The *Open Shop Bulletin* published by the Open Shop Committee contains most of the results of the research work carried on by the five divisions of the Department. Several graduate students in Economics are in the summer months employed in research tasks under the guidance of the Manager. Studies upon child labor, cost of strikes, and other especially prepared material for debaters have resulted from this method of investigation. In 1925 Noel Sargent, the Department Manager, made a personal study of labor conditions in England, from which the bulletin entitled "Labor Conditions in England" was prepared.⁴⁴ This was widely circulated among teachers and clergymen.

PARALLELISM

The Executive Council of the American Federation of Labor referred to the open shop activities of the Industrial Relations Department as "an apparently well organized and systematic campaign," and declared it was absolutely necessary to counteract this work in educational institutions. The General Manager of the *Buffalo Commercial*, in speaking before the 1920 Convention of the National Association of Manufacturers, asserted that with the almost complete unionization of newspaper offices in America by 1917 little criticism of the closed shop system appeared in the press.⁴⁵ This condition has led the Association to emphasize especially the use of the press wherever possible, and to establish itself with some of the leading journals of the land. Some newspapers carry national advertising containing the "open shop label." Among these are the *Los Angeles Times*, the *Phoenix Gazette*, the *Buffalo Commercial*, and the *Daily News* of Hamilton, Ohio.⁴⁶ Thus the alleged influence of organized labor upon the press is paralleled by the manufacturers in providing newspaper releases advocating the open shop and in

⁴³*Ibid.*, 1922, p. 158; cf. "The Functions of the National Association of Manufacturers, 1895-1925," *N. A. M. Bulletin*, p. 16.

⁴⁴*Proc. N. A. M.*, 1925, p. 66.

⁴⁵*Ibid.*, 1920, p. 192; cf. "Cruel Unionism," *N. A. M. Bulletin*, p. 5.

⁴⁶*Proc. N. A. M.*, 1920, p. 201.

advertising open shop products. Stationery, finished products, and shipping cases also carry the open shop insignia, and thus counterbalance to some degree the use of closed shop labels.⁴⁷ Another type of parallelism resorted to by the Department in the hope of neutralizing the strength of unionism, and if possible to ultimately destroy the closed shop, is its advocacy within certain limits of shop committees.⁴⁸ An earlier manifestation of the same type of endeavor appeared in 1903 when the following resolution was passed by the Association:

WHEREAS, An alarming tendency has arisen on the part of organized labor to infringe on the just rights and privileges of the individual as guaranteed by the Constitution and laws of our country; and

WHEREAS, In several localities there has arisen on the part of the independent workmen a movement toward the organization of such workmen to protect themselves against the methods of coercion and intimidation used by the unions; now, therefore, be it

Resolved, That the National Association of Manufacturers of the United States of America, in convention assembled, heartily commends such organizations of independent workmen to secure and maintain their rights, and that this association hereby pledges its moral support to such efforts.⁴⁹

The endeavor of organized labor to maintain loyalty and interest within its ranks is also weakened by the Association's encouragement of stock sales to employees, systems of profit sharing, and bonus and pension plans.⁵⁰

PATRONAGE

The Fuel Supply Committee issued several letters to the members of the Association in 1925, urging the patronage of independent bituminous coal mines. It was argued that the basic requirement in nearly all manufacturing and transportation is coal, that the Jacksonville agreement would provide time and incentive to the United Mine Workers of America to organize on a closed shop basis the existing independent fields, and that it was "a matter of national economy in the long run for manufacturers to support dependable operators who employ depend-

⁴⁷*Proc. N. A. M.*, 1920, p. 201.

⁴⁸*Ibid.*, 1919, p. 12, 13; cf. 1924, p. 88, 89; cf. *New York Times*, May 17, 1921, p. 3; *ibid.*, May 23, 1921, p. 8.

⁴⁹*Proc. N. A. M.*, 1903, p. 174, 175.

⁵⁰*Ibid.*, 1924, p. 88, 89.

able men."⁵¹ In a letter from President Edgerton of the Association to President Coolidge, he states that "the National Association of Manufacturers has for many months, through a special committee, urged manufacturers not to overlook the independent coal fields in placing their orders for bituminous coal."⁵² This letter also contained the statement made by President Harding in 1922 that "except for such coal as comes from the districts worked by non-unionized mines, the country is at the mercy of the United Mine Workers."⁵³ The "Hitchman contract" has served to check the feared "infiltration" of the closed shop into non-unionized fields. The Industrial Relations Department gives publicity to the contract's legal sanction in justifying it before the public.⁵⁴

POLITICS

The open shop question has been recognized by the Association as an economic issue which cannot be settled through legislation. Propaganda methods have, therefore, been resorted to largely in opposing the closed shop. In 1923, however, the report of the Open Shop Committee, while conceding the impossibility of settling the question in the political arena, pictured the closed shop as a menace to our political institutions, to law, and to order, and held that the open shop principle was embodied in our fundamental national law.⁵⁵ Proceeding upon this premise, the logical conclusion was that if existent law were fully enforced there would be no need of considering the political expediency of the open shop principle. But since the law was

⁵¹Letter from S. W. Utey, Chairman of the Fuel Supply Committee, to the members of the National Association of Manufacturers, May 9, 1925. Mr. Walter Drew, Counsel for the National Erectors' Association, made a similar appeal for patronage of independent contractors in addressing the National Association of Manufacturers' Convention of 1910.

⁵²Letter from J. E. Edgerton, President of the National Association of Manufacturers, to Honorable Calvin Coolidge, White House, Washington, D. C., November 23, 1925.

⁵³*Ibid*

⁵⁴*New York Times*, November 15, 1923, p. 2; cf. *Proc. N. A. M.*, 1920, p. 202; 1922, p. 17; "Open and Closed Shop Material for Debaters," *N. A. M. Bulletin*, p. 70.

⁵⁵*Proc. N. A. M.*, 1923, p. 156.

thought to remain unenforced, or at least not enforced in an impartial manner, a committee of eighty-six Association members in preparing the "Platform of American Industry," adopted in May, 1924, inserted one section in support of the open shop.⁵⁶ This "Platform" was addressed to the major political parties, and was given publicity in the press and by radio.⁵⁷

PUBLIC WELFARE AND THE CLOSED SHOP

In the solution of a problem in industrial relations, more important than its effect upon labor or the employing class is its social effect. It is not a question of whether the closed shop will advance the interests of workers or whether the open shop will benefit employers, but what relationship in industry will augment the public welfare. The superior importance of social welfare over that of class welfare would appear to be appreciated by the manufacturers. This is indicated in many expressions like the following excerpt drawn from the report of the Open Shop Committee in 1924:

Public welfare must be the paramount consideration and it is the duty of American employers continually to make known to the public the community advantages of the open shop . . . Every practicable method, moreover, should be used to make clear to American workers the unsoundness of the closed shop philosophy and the proposals and arguments of those who would destroy our present economic structure. To maintain relations with employees upon a basis of that confidence and understanding which grows out of a recognition of *mutual interest* has become one of the functions and tests of good management . . . Each increase in closed shop control of American industry imperils our national standards and supremacy.⁵⁸

The National Association of Manufacturers thus conventionally justifies its antagonism to the closed shop through an assumption that its interests are both society's interests and those of the workers.⁵⁹ This attitude is supported by a mass of statistical data showing the increased social burden resulting

⁵⁶*Proc. N. A. M.*, 1924, p. 153.

⁵⁷*Ibid.*, p. 148-159, esp. p. 153.

⁵⁸*Ibid.*, 1924, p. 85.

⁵⁹*Ibid.*, 1925, p. 77; 1926, p. 113, 242-249; "Onward March of the Open Shop," *N. A. M. Bulletin*, p. 19, 23; "Why the Open Shop?" *N. A. M. Bulletin*, p. 5-7; cf. Stockton, F. T., *The Closed Shop in American Trade Unions*.

from the closed shop and militant unionism.⁶⁰ The contention is made that even though not more than thirty per cent of the establishments of the country operate as closed shops,⁶¹ most of these are key or basic industries, such as coal mining, building, garment making, printing, machine and electrical work, and transportation.⁶² The strength of the closed shop in America cannot then be adequately shown by the trade union membership in industries so operated, since public interest is involved to so large a degree in these vital or key industries. Building then upon this premise that employers' interests are identical with the interests of society, it is logical to condemn practices of unionism whenever they interfere with the employer's interests. Since the interests of the worker and the employer are harmonious, opposition from unions is due to unscrupulous leaders and should be condemned.⁶³

The employer operates in an economic system which has as its essential motive profit seeking. Profits involve uncertainty. Competitive conditions are always uncertain since there is no comprehensive social purpose to coordinate effort, and thus systematically eliminate uncertainty.⁶⁴ The psychology of the farmers or the small tradesmen who are satisfied to "make a living" differs from that of the rivalrous manufacturer who banishes from business all sentiment that interferes with profit-making.⁶⁵ The latter's behavior is due to the uncertainty of profits which breeds the spirit of anticipation and secretiveness.⁶⁶ He differs from the worker who has a relatively fixed income. The

⁶⁰*Proc. N. A. M.*, 1923, p. 157; 1924, p. 84; 1925, p. 78-84; 1926, p. 108-114; "The Banker and the Open Shop," *N. A. M. Bulletin*, p. 1 *et seq.*; "How the Open Shop Brings Prosperity," *N. A. M. Bulletin*, *passim*; "Evidence in the Case of the Open Shop," *N. A. M. Bulletin*, *passim*; "Onward March of the Open Shop," *N. A. M. Bulletin*, p. 16, 17; Sargent, Noel, *A Practical Test of the Closed Shop*, *passim*; *Open Shop Encyclopedia for Debaters*, p. 119 *et seq.*; *New York Times*, November 22, 1923, p. 2.

⁶¹*Proc. N. A. M.*, 1922, p. 18.

⁶²*Ibid.*, 1925, p. 77.

⁶³*Cf.* Hoxie, R. F., *Trade Unionism in the United States*, p. 195 *et seq.*

⁶⁴Mitchell, W. C., *Business Cycles*, p. 39.

⁶⁵Ross, E. A., *Changing America*, chapter vi.

⁶⁶Taussig, F. W., *Inventors and Money-Makers*, p. 87.

profit seeking motive makes one impulsive and ready to resent interference, thus fostering an individualistic attitude. Impelled by the quest of profits, manufacturers have claimed the absolute right to manage their businesses as they desire,⁸⁷ and to consider labor in the same light as capital goods, with the exclusive right to employ, direct, and discharge at will.⁸⁸

The closed shop principle is then condemned by the manufacturer since, first, it is based upon the principle of collective bargaining which involves dealing with men not in his employ; second, it does not grant that the manufacturer has an *absolute* property right in his business; nor third, that the worker has an *absolute* right to work when, where, and for whom he pleases. The National Association of Manufacturers, expressing the manufacturers' philosophy, and operating in an economic system where the individualistic profit motive persists as the essential force, naturally condemns any factor which obstructs freedom in profit making. It objects to any agency which lessens production, obstructs the free competition of workers, interferes with the freedom of individual bargaining and the employer's absolute right of management, since the maintenance of these rights is considered a protection of the interests of society.

⁸⁷Pigou, A. C., *Principles and Methods of Industrial Peace*, p. 12; Stockton, F. T., *op. cit.*, p. 165; Tead, O., *Instincts in Industry*, p. 73.

⁸⁸Fitch, J. A., *The Steel Workers*, Parts II-IV; Taussig, F. W., *op. cit.*, p. 84-94; Wolfe, A. B., *Works Committees and Joint Industrial Councils*, p. 26.

CHAPTER V

POLITICAL ACTIVITIES—THE LOBBY AND OTHER METHODS

One may accept the idea that propaganda influences public opinion, that men are led thereby to align themselves for or against certain issues, but that public opinion is not able to enact the role of a statesman in the direct construction of law. Some more immediate process must, therefore, be employed to influence legislation. In winning the support of legislators, judges, and public administrators, by means of immediate contact and influence, a group may affect, favorable to itself, the making of laws, their judicial review, and their administration. To couple such political activities with propaganda, the latter serving to provide the bolstering support of public opinion or the equally effective condemnation of laws and legal processes by the public, is the work of the National Association of Manufacturers. The Association places its chief dependence, however, upon its political function¹ and, as President Edgerton has pointed out, considers the influencing of legislation not only legitimate but "one of the sacred obligations of citizenship."²

It is evident that the Association deems the direct process of political influence superior to the slow and less certain method of influencing the public and awaiting its reaction upon public officials and statesmen. The Association's attitude may be born of a realization that propaganda is even less effective in developing a unified social purpose when applied in so cosmopolitan a country as ours with its far-flung area and industrial interests. How, for example, can the agrarian populace comprising about thirty-two per cent of our population be aligned on questions of industrial relations? The farmer's ownership of property and his relations to labor or "help" tend to identify him with the employing group, but on the other hand, his exploitation by monopoly tends to align him against business interests. The agrarian is an individualist on questions relating to property ownership and the employment of labor, but a collectivist or a

¹"Americanism, the True Solution of the Labor Problem," *N. A. M. Bulletin*, p. 15.

²*Proc. N A M*, 1922, p 114.

cooperator on problems of marketing. He has shown himself to be at once opposed to monopoly and to strikes.³ More rational than to expend much effort upon the divided mind of the farmer, in the hope that he in turn will favorably influence legislation, is the Association's endeavor to place in Congress business men who have the manufacturer's viewpoint and will make laws in line with his interests.⁴ The vital importance of this effort is apparent when one considers that more than one-half of the chairmen of leading committees in the National House of Representatives came from rural states in 1916.⁵

To this positive method is added another—the proposal and support of legislation beneficial to manufacturers. At the meeting for organization in 1895 “the advocacy of carefully considered legislation, to encourage manufacturing industries of all classes throughout the country” constituted an original purpose.⁶ Though the National Association of Manufacturers did not vigorously engage in politics until 1906,⁷ it did exercise power in the election of President McKinley,⁸ in the movement which led to the passage of the Gold Standard Act,⁹ and in opposing in 1902 the enactment of a federal eight-hour law applying to work done under government contract.¹⁰ This opposition to labor's attempt to shorten the working day through legislation marks the association's change of attitude toward organized labor,¹¹ and the beginning of its subsequent emphasis upon the negative method in legislation, that of preventing the passage of labor bills and the election of labor sympathizers.¹² A legislative

³Merriam, C. E., *American Political Ideas*, p. 18, 19.

⁴*Proc. N. A. M.*, 1910, p. 5, 6, 291; 1913, p. 221; 1916, p. 233-236, 313, 329; 1919, p. 331, 377; *Am. Ind.*, November, 1914, p. 11; December, 1919, p. 27.

⁵*Proc. N. A. M.*, 1916, p. 236.

⁶A brief typewritten report of the organization meeting held at Cincinnati, Ohio, January 22-24, 1895.

⁷*Am. Ind.*, May 1, 1907, p. 2; *Proc. N. A. M.*, 1908, p. 112.

⁸*Am. Ind.*, June 1, 1909, p. 11.

⁹Ridpath, J. C., “President McKinley and the Waldorf-Astoria Revel,” *The Arena*, May, 1898, p. 696.

¹⁰*Proc. N. A. M.*, 1902, p. 24.

¹¹*Am. Ind.*, November 2, 1903, p. 8; *Proc. N. A. M.*, 1904, p. 116.

¹²*Proc. N. A. M.*, 1910, p. 289; see also p. 288.

report submitted by Mr. Van Cleave at the 1910 Convention declared, in referring to the Association's legislative methods, that its "course of action has been largely confined to defense."¹³

Since our legislation in the past has been conceived in harmony with an industrial order based upon the *laissez faire* doctrine, and since manufacturers adhere generally to this doctrine, it is to their interest to maintain the *status quo*. This explains their defensive policy in the congressional struggle, while trade unions are aggressive in attempting to secure new legislation. In the 1906 election, according to President Kirby, the Association "wielded a tremendous influence . . . in making ineffective the political boycott . . . when the stamp of 'unfair' was placed upon all candidates for re-election to Congress who exercised the courage of their convictions with respect to the anti-injunction and eight-hour bills, and who without exception were re-elected in their respective districts."¹⁴

By 1908 the National Association of Manufacturers had taken its open stand for an aggressive warfare against labor legislation, for its official publication, *American Industries*, then carried the following in large type on the front page:

Go into Politics! Employers must fight labor class legislation, and must fight it now. The battle is for good government for capital and labor alike, for personal liberty for every man in the community, of every station and occupation, and for honest, stalwart, clean-handed Americanism. Go into Politics!"

This statement and the one which followed seem paradoxical: "the Association is not in politics, it never has been in politics, it is safe to say that it never will be."¹⁵ When, however, one considers that the American Federation of Labor makes a similar claim, it must be interpreted as referring, like the position of organized labor,¹⁷ to partisan politics.¹⁸ The politics of the National

¹³*Ibid.*, p. 289.

¹⁴*Am. Ind.*, May 1, 1907, p. 2; *Proc. N. A. M.*, 1908, p. 112.

¹⁵*Am. Ind.*, March 1, 1908; cf. *ibid.*, May 1, 1908, p. 16; September, 1912, p. 7; *Proc. N. A. M.*, 1907, p. 103.

¹⁶*Am. Ind.*, August 1, 1908, p. 5.

¹⁷"The American Labor Movement," *A. F. of L. Bulletin*, p. 31; *American Federationist*, May, 1906, p. 319; June, 1912, p. 464.

¹⁸Cf. *Am. Ind.*, August 1, 1908, p. 5; June 1, 1909, p. 6; August, 1912, p. 35; "Americanism, the True Solution of the Labor Problem," *N. A. M. Bulletin*, p. 18.

Association of Manufacturers might be characterized as bi-partisan since its members are urged to drop party affiliations and the partisan badge, Republican or Democrat, for the larger consideration of the candidate's attitude toward industrial issues.¹⁹ This policy when carried out, however, makes the Association appear partisan, since most often the Republican party and its leaders stand in support of the organization's principles.²⁰ The National Association of Manufacturers claimed to have marshalled its forces so effectively in support of Mr. Taft in 1908 that its "work told decisively in the general result. Never before in any campaign, not even in 1896, did the business element of the country rally so promptly or work so harmoniously, enthusiastically, or effectively, as in 1908 One of Mr. Taft's first utterances after the election was that, in a large degree, he owed his victory to the support which the business men of all parties gave him."²¹ Other unsuccessful candidates have accorded their defeat to the political activities of the National Association of Manufacturers.²²

POLITICAL ENDORSEMENTS AND CONDEMNATIONS

The political activity on the part of the Association led, quite logically, to reprisals on the part of its rival. Though the American Federation of Labor at its first Convention in 1881,²³ and many times thereafter,²⁴ had rejected propositions for partisan political action, it had, however, as early as 1882 declared open

¹⁹*Am. Ind.*, July 15, 1908, p. 6; May 1, 1908, p. 19; cf. Wright, P. G., "Organized Labor and Organized Business," *Quarterly Journal of Economics*, Vol. XXIX, p. 235-261.

²⁰*Proc. N. A. M.*, 1909, p. 59.

²¹*Am. Ind.*, June 1, 1909, p. 11; cf. *ibid.*, June 15, 1908, p. 18, 19; Wright, P. G., *op. cit.*, p. 242.

²²*New York Times*, July 1, 1913, p. 6.

²³*Proceedings of the American Federation of Labor*, 1881, p. 24; known as the "Organized Trades and Labor Unions of the United States and Canada," from 1881 to 1886.

²⁴*Proceedings of the American Federation of Labor*, 1885, p. 17; 1889, p. 23; 1891, p. 40; 1892, p. 46; 1895, p. 81; 1896, p. 75; 1901, p. 234-240; 1903, p. 188-198; 1904, p. 204; 1906, p. 31, 33, 183, 225; 1909, p. 32, 316, 1910, p. 44, 313; 1911, p. 56, 288; 1912, p. 314; 1913, p. 56, 298; 1916, p. 81, 277; 1919, p. 74; 1920, p. 74; 1921, p. 309; 1922, p. 155; 1923, p. 368; 1924, p. 270; 1925, p. 325.

political resistance to men and measures thought to oppose labor's interests,²⁵ and had urged political support to labor's "friends."²⁶ This course of procedure was, therefore, not new to the American Federation of Labor when in 1906 the National Association of Manufacturers first used it so extensively, nor should it be implied that the American Federation of Labor adopted the method after observing its opponent's effective use of it.²⁷ On the contrary, it appears that the American Federation of Labor resolved to return to its old time method with renewed vigor. Labor's "Bill of Grievances" was drafted and presented to President Roosevelt, Senator Frye, President *pro tempore* of the Senate, and Speaker Cannon of the House. The document embodied certain demands for labor legislation and contained this excerpt which has become a slogan of the Federation: "Stand faithfully by our friends and elect them. Oppose our enemies and defeat them; whether they be candidates for President, for Congress, or other officers; whether executive, legislative, or judicial."²⁸

The National Association of Manufacturers has gone on record with a similar pronouncement. The following is drawn from a resolution passed by the 1914 Convention:

Resolved, That it is the patriotic duty of the individual members of this Association in their respective communities to encourage and endorse the honest efforts of those who are faithfully endeavoring to foster constructive thought and measures in State and National Legislation and to earnestly appeal to American citizenship to condemn and displace those self-appointed or politically promoted demagogues who seek to perpetuate themselves in the administration of public affairs by any means or measures, no matter what the economic effect so long as such seem to promise temporary popular votes.

Resolved further, That the members of this Association be asked to distribute this resolution widely in their respective communities²⁹

Such well-known persons as Joseph G. Cannon, Reed Smoot, Warren G. Harding, Nicholas W. Longworth, A. B. Hepburn,

²⁵*Proceedings of the American Federation of Labor*, 1882, p. 20.

²⁶*Ibid.*, p. 10.

²⁷Cf. Wright, P. G., *op. cit.*, p. 244.

²⁸"Non-Partisan Declarations," *A. F. of L. Bulletin*, p. 4; cf. *American Federationist*, May, 1906, p. 319; *American Federation of Labor History*, *Encyclopedia Reference Book*, Vol. I, p. 299; Walling, W. E., *American Labor and American Democracy*, p. 34-42.

²⁹*Proc. N. A. M.*, 1914, p. 193.

John Sherman, and Charles E. Littlefield have received the endorsement of the Association as candidates for Congress.³⁰ These names represent but a few of the congressmen endorsed and aided by the Association. In fact, most of those who have won the enmity of the American Federation of Labor have been supported by the National Association of Manufacturers. The Association has opposed or condemned those whose records show a support of labor's bills. A published list of votes on important labor bills has served to acquaint the manufacturers with the position of congressmen on vital issues.³¹ A reprint of the "white list" of the American Federation of Labor has been used as a "blacklist" by the manufacturers.³² While William H. Taft³³ and Warren G. Harding³⁴ were highly endorsed by the Association for the Presidency, William J. Bryan was opposed,³⁵ and Woodrow Wilson's administration condemned for its "hostility to business."³⁶ Mr. Taft's policies enjoyed in general the approval of the National Association of Manufacturers. Its endorsement of him when he came to the presidency in 1909 was couched in these words: "We have confidence not only in Mr. Taft's integrity and public spirit, but also in his progressiveness and balance."³⁷ His appointments of Charles E. Hughes and Horace H. Lurton to the Supreme Bench were spoken of by Mr. Kirby as being "satisfactory evidence of the President's sound and discriminating judgment."³⁸ Aside from interest shown by the Association in the personnel of Congress, the Supreme Court and the President, it has indicated its approval or disapproval of departmental leadership. The former Department of Com-

³⁰*Am. Ind.*, September 15, 1906, p. 3; December 15, 1906, p. 5; March 15, 1907, p. 15; January 15, 1908, p. 18; July, 1910, p. 10, 12; August, 1914, p. 41; *Proc. N. A. M.*, 1907, p. 42; 1908, p. 283, 292; 1909, p. 235, 253, 256, 257; 1910, p. 329; 1911, p. 299; 1915, p. 274, 287, 288.

³¹*Am. Ind.*, June 15, 1908, p. 27; *Proc. N. A. M.*, 1913, p. 65

³²*Am. Ind.*, November 1, 1906, p. 19.

³³*Ibid.*, June 1, 1909, p. 11, *Proc. N. A. M.*, 1909, p. 38, 59.

³⁴*Proc. N. A. M.*, 1915, p. 287; cf. *American Federation of Labor History*, *op. cit.*, p. 292 *et seq.*; *New York Times*, July 1, 1923, p. 1; May 17, 1923, p. 3; December 7, 1921, p. 1.

³⁵*Am. Ind.*, July 15, 1908, p. 5; October 1, 1908, p. 5, front cover

³⁶*Ibid.*, June, 1914, p. 7.

³⁷*Ibid.*, June 1, 1909, p. 11; cf. *Proc. N. A. M.*, 1909, p. 59

³⁸*Proc. N. A. M.*, 1910, p. 99.

merce and Labor and the present Department of Labor have received special attention. An address by Carroll D. Wright before the Association in 1903 was so thoroughly in keeping with the latter's principles that it was printed in a separate pamphlet for circulation.³⁹ In introducing Charles Nagel, the successor to Mr. Wright, at an Association banquet, it was said of him that "none come to us who could be more welcome, more equipped with ability and information, more highly recommended to us by experience and public service of the highest order"⁴⁰ Mr. Nagel, in his banquet address, suggested that his viewpoint and governmental service had been influenced by Mr. Emery and his associates.⁴¹ The appointment of William B. Wilson as Secretary of Labor was condemned,⁴² while President Edgerton has spoken in most approving terms of the present Secretary, James J. Davis.⁴³

The approval or condemnation awarded candidates by the National Association of Manufacturers has not been confined to those seeking Federal positions, but has been felt in local campaigns as well. President Parry said in 1908, "What we have just done and are doing in Washington we must do in Albany, Harrisburg, Boston, Columbus, Springfield, and the capitals of all the rest of the great industrial states. The machinery for this broadening of the scope of our work is already in operation."⁴⁴ The censuring of Gifford Pinchot for "inciting class hatred" is a case in point.⁴⁵

INFLUENCING PARTY PLATFORMS

Another political method employed by the National Association of Manufacturers is that of influencing party platforms. Like its opponent, the American Federation of Labor, it sometimes attempts to insert planks in the platforms of both major parties; at other times it plays one of the great parties against

³⁹*Ibid.*, 1903, p. 285.

⁴⁰*Ibid.*, 1916, p. 303; cf. 1910, p. 134.

⁴¹*Ibid.*, p. 304.

⁴²*Am. Ind.*, March, 1913, p. 15; cf. *Proc. N. A. M.*, 1911, p. 85.

⁴³*Proc. N. A. M.*, 1922, p. 323, 324.

⁴⁴*Ibid.*, 1908, p. 112; cf. 1909, p. 58, 59.

⁴⁵*Am. Ind.*, April, 1914, p. 9, 10.

the other. The conflict of interests in political relations discloses increasingly, as its essential cause, conflicts between economic interests.⁴⁶ Rival economic classes seek control of government in order to protect and advance their interests. Political parties have represented, primarily, propertied classes, one with conservative leadership which stood for the traditional property rights, while the other with more progressive leaders demanded changes in the interests of public welfare. It might appear at first blush that the conflicting economic groups would not hesitate to align themselves definitely and permanently on party lines, the manufacturers with the conservative leaders who would have the state exercise little more than its so-called "essential functions"⁴⁷ of protection from a foreign or domestic enemy, while labor would support the progressive party and leaders who stood for social legislation. The problem is, however, not so simple. Both parties ostensibly stand, primarily, for the public welfare, for no party could successfully appeal to voters by emphasizing the interests of a particular class. For example, the leaders of the incipient Labor Party in the United States in 1919 "were too aware of their obligations" to confine their platform to labor interests.⁴⁸ Any party to be successful must then appeal to voters of diverse economic interests, and in so doing the shibboleth of government by the direct will of the people is proclaimed by all parties, while each loses no opportunity to picture the other as controlled by class interests. This analysis is made with the recognition that even though the control of political parties by classes may be unobtrusively maintained, open and flagrant class control may in time arouse the people and react unfavorably upon a party thus dominated.

These characteristics of our political system have without doubt been thoroughly considered by the National Association of Manufacturers, and provide an explanation for the dual method followed in attempting to influence party platforms. In 1908 the Democratic platform was severely denounced by Presi-

⁴⁶Williams, J. M., *Foundations of Social Science*, Books I and II.

⁴⁷Cf. Rogers, Lindsay, *An Introduction to the Problem of Government*, p. 38.

⁴⁸Merz, Chas., "Enter: The Labor Party," *New Republic*, December 10, 1919, p. 54.

dent Van Cleave as being hopelessly under labor's influence,⁴⁹ while the Association turned to the Republican platform in the hope of ridding it of objectionable planks. The alleged success of the enterprise is shown in the following excerpt from an address by President Kirby:

This powerful influence was used effectively during the Republican National Convention, in 1908, when, after planks had been inserted in the Republican platform pledging the party to notice-and-hearing-injunction legislation and to an amendment to the Sherman Law which would exclude organized labor from its criminal provisions, in response to request made by the Council of its affiliated organizations, it was estimated that from 30,000 to 40,000 telegrams poured in on the Resolutions Committee in one day, protesting against the party putting itself on record as approving of such measures; and as a result of such a flood of protests, backed by the forceful argument of Mr. Emery, the objectionable planks were stricken from the platform after they had been adopted by the Resolutions Committee.⁵⁰

In 1912 the Association adopted the method of influencing both Democratic and Republican platforms,⁵¹ and again in 1920 its "Platform of American Industry" was submitted to both parties.⁵² According to Secretary Boudinot, both accepted some of the ideas of the "Platform" submitted. The similarity between the platforms of the National Association of Manufacturers and the Republican party may be noted in the following comparative presentation of those sections which relate to industrial relations:

Excerpts from the "Platform for American Industry" adopted by the National Association of Manufacturers in 1920.⁵³

Excerpts from the Republican Party Platform adopted in 1920.⁵⁴

"Our whole constitutional system was established to secure effective political protection for life,

"The Republican party, assembled in representative national convention, reaffirms its unyielding

⁴⁹*Am. Ind.*, July 15, 1908, p. 5; October 1, 1908, p. 5.

⁵⁰*Proc. N. A. M.*, 1911, p. 84, 85; cf. 1909, p. 183.

⁵¹*Am. Ind.*, August, 1912, p. 31, 35.

⁵²*New York Times*, April 14, 1920, p. 2, cf. *American Federationist*, July, 1920, p. 667-674. There appears to be no attempt in 1916 to influence either party platform.

⁵³*Proc. N. A. M.*, 1920, p. 229-238. This similarity is not necessarily due to the Association's influence.

⁵⁴*Proceedings of the Seventeenth Republican National Convention*, 1920, p. 93-109.

liberty, and the pursuit of happiness by the individual, subject only to such governmental restraint as assures the equal right of every other citizen and the common welfare amid all the changes of social circumstance . . . The independence of the judiciary from control, influence, or intimidation, by any other department of the government, or any interest or organization is vital to the administration of government, and the preservation of civilization from the barbarism of brute force.

"Quickened industrial production is essential to national prosperity. To obtain it requires the successful cooperation of management and men through right employment relations. Such relations are not made by legislation. They are a human growth and not a manufacture. The parties must be free to make and maintain their own relationship, individually or collectively in such form as is mutually satisfactory and in accordance with the size, nature, and varying circumstances of each particular establishment.

"The Right to strike or lockout, which is merely an exercise of the right to act in combination, must be defined and limited whenever it conflicts with the community's paramount right of self-preservation.

"Every available means should be employed to promote better understanding and closer cooperation between the public and the railroads. The deliberate obstruction or interruption of transportation service is intolerable. Railroad

devotion to the Constitution of the United States, and to the guarantees of civil, political, and religious liberty therein contained. It will resist all attempts to overthrow the foundations of the government or to weaken the force of its controlling principles and ideals whether these attempts are made in the form of international policy or domestic agitation.

"There are two different conceptions of the relations of capital and labor. The one is contractual and emphasizes the diversity of interest of employer and employee. The other is that of cooperation in a common task. We recognize the justice of collective bargaining as a means of promoting good will, establishing closer and more harmonious relations between employers and employees, and realizing the true ends of industrial justice.

"The strike or the lockout as a means of settling industrial disputes inflicts such loss and suffering on the community as to justify government initiative to reduce its frequency and limit its consequences.

"In public utilities we favor the establishment of an impartial tribunal to make an investigation of the facts and to render decision to the end that there may be no organized interruption of service necessary to the lives and health

strikes inevitably become lockouts of the farmer and factory worker and boycotts of the public.

"We believe it is in the interest of the nation to replace our present unsystematic control of the alien with a constructive policy of selective immigration. The general prohibition of immigration is the counsel of bigotry and selfishness."

and welfare of the people For public utilities we favor the type of tribunal provided for under the Transportation Act of 1920

"The immigration policy of the United States should be such as to insure that the number of foreigners in this country at any one time shall not exceed that which can be assimilated with reasonable rapidity and to favor immigrants whose standards are similar to ours. The selective tests that are at present applied should be improved"

The National Association of Manufacturers prepared another "Platform for American Industry" in 1923,⁵⁵ which was advertised widely in the press,⁵⁶ ratified at the Association's 1924 Convention,⁵⁷ and finally presented by special committees to the Republican and Democratic National Conventions.⁵⁸ Secretary Boudinot claimed in his report to the Convention of 1925 that both major political parties had "recognized the merits and general public good in the industrial platform," and had "incorporated substantially most of the recommendations made."⁵⁹ One may question the degree to which the Association's influence was reflected in the making of the party platforms. At least the industrial and party platforms of 1924 indicated no more marked similarity than they did in 1920.

LEGISLATIVE ACTIVITIES AFFECTING LABOR

To endorse or condemn political candidates, and to influence the writing of party platforms, constitute but a comparatively small part of the political activities of the National Association of Manufacturers. The pressure of these methods is felt espe-

⁵⁵*Proc. N. A. M.*, 1923, p. 316.

⁵⁶*New York Times*, May 16, 1923, p. 1; September 28, 1923, p. 3; April 5, 1924, p. 2.

⁵⁷*Proc. N. A. M.*, 1924, p. 157.

⁵⁸*Ibid.*, 1925, p. 49.

⁵⁹*Ibid.*

cially in presidential and congressional years, while legislative activities affecting labor are constantly at work. A field agent for the Association—one whose duty it was to represent it before the manufacturers of the country, soliciting membership, said in 1903 that the "organization was created to influence national legislation."⁶⁰ Because of the fundamental effect of our legal code upon the behavior of economic groups, the Association has considered the legislative situation as more serious than that phase of the conflict which is limited to the industrial field.⁶¹ This attitude led the Association to adopt a recommendation "that the National Association of Manufacturers does herewith vehemently protest and sternly rebuke any attempt by our national or state legislatures to foster, consider, or enact hasty, undigested, and special legislation, with all its attendant constitutional dangers and industrial disorders."⁶²

Long before the formation of the Publicity and Industrial Relations Departments, the Law Department was operative. Organized under the administration of President Parry,⁶³ the scope of the Department's work was greatly expanded by his successor, President Van Cleave, through the creation of the National Council for Industrial Defense.⁶⁴ President Van Cleave made reference to the Legislative Committee of the National Association of Manufacturers and the National Council for Industrial Defense as being "like the Siamese twins," impossible to separate. As to the power of the cooperative action of these organizations in influencing legislation, he asserted that the Council had been "a powerful auxiliary to the Association in defeating unwise or vicious measures in the national and state law-making bodies and in shaping and promoting sane, conservative legislation."⁶⁵ President Edgerton conceded that "there is no denial of the fact that in every honest way we try to influence the course of legislation touching particularly those things that help or hurt American industry."⁶⁶

⁶⁰*Proc. N. A. M.*, 1903, p. 252.

⁶¹*Ibid.*, 1912, p. 4.

⁶²*Ibid.*, 1910, p. 133.

⁶³*Ibid.*, 1905, p. 89.

⁶⁴*Ante*, p. 29.

⁶⁵*Proc. N. A. M.*, 1910, p. 287.

⁶⁶*Ibid.*, 1922, p. 114.

Various methods are employed to influence legislators. The fundamental basis for scientific procedure lies in the excellent facilities for the analysis of bills introduced in Congress. Through the Washington office the Law Department examines every bill coming before Congress. After the proposed measures are carefully scrutinized, those which appear to be of interest to the membership are card indexed, filed, and their future progress observed and recorded. The *Washington Service Bulletin* brings to the Association members a semi-monthly digest of these bills and their status in Congress.⁹⁷ In addition the membership is further informed through the issuance of special bulletins by the National Industrial Council giving a digest of state legislation affecting industry.⁹⁸ Many instances are recorded in the Association's literature giving evidence of the effective reaction which has come from this method. When the manufacturers' interests were endangered, the Association's Council, Mr. Emery, had but to send out a general call to the membership of all allied units of the National Industrial Council and, as he pictured it, "telegram after telegram and letter after letter rained upon the White House and Capitol like a summer storm. The public men received a new impression. The citizen in business had given astonishing and overwhelming evidence of a vigorous and impressive interest in public affairs."⁹⁹ Coupled with this avalanche of pleas from American manufacturers were the special messages sent by prominent Association officials to the President and to other important governmental leaders. An editorial in *American Industries*, in discussing the protests made to President Wilson in 1913 against exempting labor unions from prosecution under the Sherman Anti-Trust Act, states that "it is doubtful if any President has ever been appealed to more earnestly by business men throughout the country than in the protests lodged with him urging executive disapproval of the policy of class .

⁹⁷*Ibid.*, 1920, p. 123; 1908, p. 285; 1924, p. 11; cf. "Our Legislative Work at Washington," *N. A. M. Bulletin*, *passim*.

⁹⁸"A Review of State Legislation Affecting Industry in 1918 and 1919," *National Industrial Council Bulletin*; cf. *Proc. N. A. M.*, 1909, p. 210-227, and esp. p. 228; *New York Times*, November 30, 1925, p. 2.

⁹⁹*Proc. N. A. M.*, 1908, p. 283, 284; cf. 1912, p. 148; *Am. Ind.*, March 15, 1908, p. 18; *Proc. N. A. M.*, 1925, p. 323, 329.

legislation now sanctioned."⁷⁰ Attempts to induce the Executive to act directly or indirectly through Congress were illustrated when President Pope of the Association sent a telegram to President Wilson appealing for action to prevent a threatened railroad strike,⁷¹ and a letter from President Edgerton of the Association to President Coolidge urging that he refuse to intervene to enforce union demands in unionized bituminous fields.⁷² This method of direct appeal to high governmental offices received its impetus from a resolution passed by the Association in 1907 pleading for the obstruction of legislation intended to weaken the Sherman Anti-Trust Act as it applied to labor. The resolution provided that the Secretary be instructed to transmit a copy of the resolution "to the President and the Attorney General of the United States, to each member of the Senate and House of Representatives, and to the Governor of each State of this Union."⁷³

Perhaps no more effective method has been employed by the National Association of Manufacturers in obstructing labor legislation than its influence upon House and Senate Committees, for they are recognized as able in turn to influence most effectively the general policy of Congress.⁷⁴ Many labor bills have been killed in the committees.⁷⁵ The effective etherization of labor bills has depended upon the choice of committees or the pressure brought to bear upon them after appointment. Prior to the modifications in parliamentary practice instituted in the House of Representatives in 1911, robbing the Speaker of his main prerogative—the right to appoint the standing committees—the National Association of Manufacturers found quite to its advantage the friendship of Speaker Cannon. Charles E. Littlefield, a staunch supporter of the Association,⁷⁶ and a member

⁷⁰*Am. Ind.*, July, 1913, p. 7.

⁷¹*New York Times*, March 17, 1917, p. 4; cf. *ibid.*, January 18, 1918, p. 1.

⁷²Letter from J. E. Edgerton, President of the National Association of Manufacturers, to Honorable Calvin Coolidge, White House, Washington, D. C., November 23, 1925.

⁷³*Proc. N. A. M.*, 1907, p. 218; cf. 1908, p. 130; 1923, p. 20.

⁷⁴*Ibid.*, 1908, p. 263; 1916, p. 236; *Am. Ind.*, September 15, 1907, p. 22; April, 1912, p. 10; "Labor Organizations," *N. A. M. Bulletin*, p. 24, 25.

⁷⁵*Proc. N. A. M.*, 1904, p. 23; 1909, p. 255, 256.

⁷⁶*Ibid.*, 1908, p. 105, 106.

of the Judiciary Committee of the House of Representatives in 1909, informed the Association that the Judiciary Committee appointed by Mr. Cannon would "be a committee that will see that nothing but wise and judicious legislation is reported therefrom."⁷⁷ The Committee on Resolutions formulated the following message to be sent to Speaker Cannon in 1908:

The National Association of Manufacturers, regardless of political affiliations, now assembled, urges upon you to use your power and influence against any anti-injunction legislation whatever, thus perpetuating the good work you have already done.⁷⁸

The Association has not confined its legislative activities to federal fields; its leaders have opposed various labor bills before state legislatures.⁷⁹ The success of these local efforts have been amply proven.⁸⁰ The various organizations affiliated with the National Industrial Council cooperate in their influence upon local and national legislative bodies.⁸¹ In 1922, Nathan B. Williams, Associate Counsel for the National Association of Manufacturers, compiled an exhaustive study of national trade associations which contained reports from 135 of these units. In response to the question, "What are your activities, if any, in the handling of legislative questions and litigation, national, state?" One hundred out of the 135 reporting replied that they exercised influence in legislation, usually indicating briefly the method employed.⁸² Most of these national trade associations are either members of the National Industrial Council or have state and local members holding such membership.

THE 1913-1914 LOBBY INVESTIGATION

In the development of a governmental policy there are at least six vital points where a powerful organization's influence may

⁷⁷*Ibid.*, 1909, p. 256.

⁷⁸*Ibid.*, 1908, p. 130.

⁷⁹*Am. Ind.*, May 1, 1909, p. 6, 9; May 15, 1909, p. 17; *Proc. N. A. M.*, 1909, p. 225, 227; 1910, p. 94, "Class Legislation," *N. A. M. Bulletin*, *passim*.

⁸⁰*Proc. N. A. M.*, 1909, p. 60, 228; 1920, p. 298, 299.

⁸¹*Am. Ind.*, August, 1908, p. 26; *Proc. N. A. M.*, 1911, p. 127; *New York Times*, March 13, 1921, p. 3; cf. "A Review of State Legislation Affecting Industry in 1918 and 1919," *National Industrial Council Bulletin*, *passim*; *Manufacturers' News*, November 8, 1924, p. 6.

⁸²Williams, Nathan B., *National Trade Associations*, *passim*.

be felt. These are in the nomination of candidates, the drafting of their platforms, the elections, the legislative processes, the interpretation of laws, and finally in the execution of those laws. The political activities of the National Association of Manufacturers concern each of these factors. In addition to the legislative methods already considered, the Association has made wide use of the lobbyist or legislative agent. Lobbying processes have served to promote or obstruct the drafting of bills, their course through committees, and their final passage. Though the Association does not refer to its lobbying activities as such, its purpose to influence the course of legislation is freely proclaimed.⁸³ Its evasion of the term as applicable to its legislative practices is probably due to the unhappy connotation which the term bears. The common implication that to lobby is to exercise improper influence leads the Association to employ the term as an epithet descriptive of labor's method.

Lobbying, when shorn of its unethical aspects, usually enjoys a legal sanction,⁸⁴ and has been practiced by both the National Association of Manufacturers and the American Federation of Labor since their inception. The former was organized primarily to influence legislation,⁸⁵ while lobbying constitutes the major function of the latter and its state units.⁸⁶ Since the term "lobbying" does not necessarily imply any corrupt influence some states, in recognition of this fact, have statutory provision for the registration of persons so engaged.⁸⁷ At common law lobbying is held illegal as against public policy irrespective of whether it is corrupt or not. A few states, in keeping with this traditional influence, have attempted to forbid lobbying within their legislatures,⁸⁸ while most states have simply legislated against "cor-

⁸³ *Ante*, note 2.

⁸⁴ Schaffner, Margaret A., *Lobbying*, *passim*.

⁸⁵ "Americanism, the True Solution of the Labor Problem," *N. A. M. Bulletin*, p. 15.

⁸⁶ Gompers, Samuel, *Seventy Years*, Vol. I, p. 379; Vol. II, p. 228 *et seq.*, *Proceedings of the American Federation of Labor*, 1922, p. 78; 1923, p. 45; 1924, p. 65.

⁸⁷ Maryland, Laws, 1900, c. 328; Massachusetts, Revised Laws, 1902, c. 3, secs. 23-32.

⁸⁸ West Virginia, Acts, 1897, c. 14; Tennessee, Acts, 1897, c. 117.

rupt solicitation of legislators." The Supreme Court of the United States has defined "lobby practice" thus:

Lobby services are personal solicitations by persons supposed to have personal influence with members of Congress to procure the passage of a bill⁹⁰

This brief reference to the meaning and legal status of the lobby should aid in a survey of the Congressional investigation of 1913 and 1914, disclosing the lobbying tactics of the National Association of Manufacturers. Among the circumstances leading to this investigation were the activities of Martin M. Mulhall, for about ten years an employee of the Association. He was employed as its "field agent," presumably to solicit members, but devoted much time to lobbying and in forming "Workingmen's Protective Associations." These "Protective Associations" were made up of workingmen assembled into local ephemeral units just before a political campaign, dissolving when the campaign was over. These associations were said to be composed largely of members of organized labor, apparently those who did not sympathize in all respects with the political policies and purposes of the labor unions generally.⁹¹ They were formed to aid in securing the election of candidates whose economic views on labor matters were known to be in harmony with the National Association of Manufacturers, and constituted the channel through which Mr. Mulhall performed one phase of his "field work."

Mr. Mulhall, from the time he was first employed in 1903 by Marshall Cushing, Secretary of the National Association of Manufacturers, spent a large share of his time in political work in different states and congressional districts.⁹² In 1911 Mr. Mulhall attempted to bring about a bargain between John Gardner of the United States Brewers' Association and the Republican organization in Maine, whereby Mr. Gardner was apparently to render financial assistance to the latter and incidentally

⁹⁰*Trist v. Child*, 1874, 88 U. S. 441.

⁹¹"Charges Against Members of the House and Lobby Activities," Report of Select Committee of the House of Representatives, appointed under House resolution 198, 63d Congress, 2d Session, *House of Representatives, Report No. 113*, p. 9.

⁹²*Ibid.*, p. 19, 25, 49.

assist in the election of a candidate to Congress favorable to the National Association of Manufacturers. Mr. Gardner's recompense was to consist of a re-submission of the prohibition amendment to the Maine constitution.⁸² The testimony of the lobby investigation is conflicting as to whether Mr. Mulhall instituted this project through his own initiative or was proceeding with the consent and approval of his superior officers.⁸³ The affair, at any rate, brought him into conflict with Charles E. Littlefield, a prohibition Republican Congressman from Maine, and a long time friend and supporter of the National Association of Manufacturers in Congress.⁸⁴ The complications were such that Mr. Mulhall was forced to resign.⁸⁵

He had in his possession a voluminous correspondence relating to the lobbying practices of the National Association of Manufacturers for the preceding decade. Directly following his retirement in 1911 he offered to turn over his letters and correspondence to the American Federation of Labor, and also sought to interest William B. Wilson, then chairman of the House Committee on Labor, in using the same as a basis for a disclosure of the practices of the National Association of Manufacturers. These offers were not accepted, and in 1913 he endeavored to bring the matter to the attention of William Randolph Hearst, owner and publisher of various newspapers and magazines, but again failed in this venture. The congressional investigation which followed does not disclose any attempt on Mr. Mulhall's part to seek a compensation in connection with these offers.⁸⁶ Failing in his efforts in these directions he finally brought the correspondence to the attention of the *New York World*, and arrangements were made whereby, for the sum of \$10,000, the correspondence was turned over to that journal together with a personal narrative prepared by Mr. Mulhall.⁸⁷ The *World* made an agreement with the *Chicago Tribune* in accordance with which his "story" appeared in both papers on the

⁸²*House Report, No. 113, op. cit.*, p. 31.

⁸³*Ibid.*, p. 32.

⁸⁴*Ibid.*, p. 36, 37.

⁸⁵*Ibid.*, p. 17.

⁸⁶*Ibid.*; cf. *New York Times*, June 30, 1913, p. 1.

⁸⁷*House Report, No. 113, op. cit.*, p. 17.

same day, June 29, 1913.⁹⁸ This sensational article involved charges of corruption against several members in both the House and Senate, and led to a thorough investigation by committees from each house. The hearings were comprehensive and extended through portions of 1913 and 1914.⁹⁹

The procedure followed by the House Committee¹⁰⁰ began by the passage of a resolution which first reviewed the fact that various newspapers had published charges as to the existence of a lobby operated by the National Association of Manufacturers "for the purpose of improperly influencing legislation in Congress, the official conduct of certain of its members and employees, the appointment and selection of committees . . . and for other purposes designed to affect the integrity of the proceedings of the House of Representatives and its members."¹⁰¹ After this preamble, the resolution provided that the Speaker appoint a Select Committee of seven members of the House to make the investigation. Briefly stated, the Committee's inquiry was to discover, first, whether the lobbyists of the National Association of Manufacturers had influenced any representatives and in what manner; second, whether money had been used or improper influence exerted by the Association or its agents to accomplish certain political ends enumerated; and third, whether the Association maintained a lobby to influence legislation in Congress and to what extent, if at all, legislation had been improperly affected by the same.

The investigating committee first found itself confronted with the fact that eminent authorities entertain wide differences of

⁹⁸*New York World*, June 29, 1913, p. 1 et. seq.; *Chicago Tribune*, June 29, 1913, p. 1-4.

⁹⁹The House hearings alone cover 2936 pages, and those of the Senate 4013, with an appendix of 4657 pages; "Maintenance of a Lobby to Influence Legislation," *Hearings Before a Subcommittee of the Committee on the Judiciary, United States Senate, 63d Congress, 1st Session, S. Res. 92*, Vols. I-IV, and Appendix, Vols. I-IV; "Charges Against Members of the House and Lobby Activities of the National Association of Manufacturers of the United States of America and Others," *Hearings Before the Select Committee of the House of Representatives, Appointed Under House Resolution. 198, 63d Congress, 1st Session, Vols. I-IV*.

¹⁰⁰The Senate report will not be considered in this treatise since the findings were substantially the same as those of the House.

¹⁰¹*House Report, No. 113, op. cit., p. 2.*

opinion as to the meaning of the word "lobby." In taking testimony the committee treated the word "lobby" as having the broad meaning of a person or body of persons seeking to influence legislation in any manner whatsoever, whether proper or improper.¹⁰² With the term thus defined, the National Association of Manufacturers and the National Industrial Council¹⁰³ were found to have maintained lobbies for the purpose of influencing legislation by Congress.¹⁰⁴ The method of these organizations was shown to have been largely negative, that is, they had vigorously opposed any legislation considered as limiting the right of workers, the power of courts, or the exclusion of organized labor from the provisions of the Sherman Anti-Trust Law.¹⁰⁵ The figures most active in influencing legislation at Washington were found to be Marshall Cushing, Secretary of the National Association of Manufacturers; James A. Emery, Counsel, and Martin M. Mulhall, Field Agent.¹⁰⁶ While Mr. Cushing acted as Secretary, Mr. Mulhall was known as "Number 11" and not by name. The investigation failed to disclose a reason for this plan, except that it was in line with the policy of secretiveness practiced by the Secretary.¹⁰⁷

In Mr. Mulhall's narrative as printed in the *World* and *Tribune* he described in detail his lobbying activities in and out of Congress. They included, among other political episodes, his work through James T. McDermott, congressman from the stockyards district of Chicago, a member of a labor union, and elected through labor's support; his use of Mr. McDermott's franking privilege, and the gathering of information through I. H. McMichaels, the chief page of the House and McDermott's confidential secretary. The pages were described as being able to "hang around" without being suspected where congressmen met in private conversation. Mr. Mulhall claimed that Mr. Emery approved of these methods when they were made known to him, and soon afterward placed Mr. McMichaels on the Association pay roll at

¹⁰² *House Report, No. 113, op. cit.*, p. 15.

¹⁰³ Known as the "National Council for Industrial Defense" prior to 1919.

¹⁰⁴ *House Report, No. 113, op. cit.*, p. 15.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*, p. 16.

¹⁰⁷ *Ibid.*, p. 19; cf. *New York Times*, August 1, 1913, p. 4.

fifty dollars a month with the instruction that an extra amount would be paid for special items of information.¹⁰⁸ Mr. Mulhall, according to his story, had a room supplied by Mr. McDermott in the basement of the Capitol where they might with the chief page meet in secret.¹⁰⁹ Congressman McDermott was pictured as having relied upon a substantial money income from Mr. Mulhall,¹¹⁰ and from members of the National Association of Manufacturers in his district.¹¹¹

In the Committee's examination of Mr. Mulhall, he admitted having been in error in sundry statements appearing in his newspaper articles.¹¹² Testimony of officials of the National Association of Manufacturers corroborated some of his statements while others were flatly contradicted. Mr. Mulhall was found to be extravagant in many of his claims, due apparently to his desire to display a superior power over public men, and his animus toward many of those against whom he made allegations.¹¹³ The charges brought by him were in general not substantiated—at least direct bribery and corruption were not proven¹¹⁴—

¹⁰⁸*Ibid.*, p. 51-54.

¹⁰⁹*Ibid.*, p. 55.

¹¹⁰*Ibid.*, p. 56.

¹¹¹*Ibid.*, p. 57-60.

¹¹²*Ibid.*, p. 17.

¹¹³*Ibid.*, p. 18.

¹¹⁴Of the Select Committee of Seven making the investigation, one member, William J. MacDonald, submitted a minority report from which the following is an excerpt:

"The evidence convinces me that Mulhall, Emery and his associates, with the enthusiastic approval of the responsible officers of the National Association of Manufacturers, did influence legislation; did prevent the enactment of laws; did force the appointment upon committees or sub-committees of certain men believed to be necessary for the carrying out of their schemes, and prevented other men whom they believed to be inimical to their interests from being placed thereon. They did, by the expenditure of exorbitant sums of money, aid and attempt to aid in the election of those whom they believed would readily serve their interests, and by the same means sought to and did accomplish the defeat of others whom they opposed. In carrying out these multifarious activities they did not hesitate as to means, but made use of any method of corruption found to be effectual. They did not hesitate to use the employees of the Government in the very Capitol itself. And, as is shown by literally hundreds of items in the Mulhall expense ac-

though Mr. McDermott was declared by the Committee guilty of "acts of grave impropriety, unbecoming the dignity of the distinguished position he occupied."¹¹⁵ It was proven that the National Association of Manufacturers maintained a lobby to influence legislation in Congress,¹¹⁶ but there was no evidence of its having employed representatives in that body for improper purposes.¹¹⁷ As to whether "improper influence was exerted" by the Association, the Committee reports thus:

Your committee has to report that it looks with greatest suspicion upon the act of sending Mulhall abroad in the country furnished with funds to organize temporary and speedily dissolved associations for use in elections. . . . and the secretiveness practiced induces in the common intelligence of men a surmise that there was not that scrupulousness which is attendant upon cleanly political practice.¹¹⁸

The Committee's report continued by explaining that officials of the National Association of Manufacturers understood and sanctioned the methods employed by Mr. Mulhall.¹¹⁹ The extent of the political influence thus exerted could not be determined by the Committee, but the method was declared to be "improper and dishonest."¹²⁰ The charge that I. H. McMichaels, while acting as chief page of the House, was employed by Mr. Mulhall, under the approval of the Association's Counsel, was substantiated by the committee.¹²¹ Though the services rendered by the chief page to the Association seem to have consisted principally in obtaining public documents, bills, reports, and information from clerks of committees as to the status of bills pending before such committees, the Investigating Committee registered its "severest censure" upon all persons connected with the ar-

counts, by the purchase of organization labor men to betray their fellows in election campaigns and strike-breaking activities, they instituted a new and complete system of commercialized treachery." *House Report, No. 113, op cit*, p. 70, 71.

¹¹⁵*House Report, No. 113, op. cit*, p. 68; *New York Times*, December 9, 1913, p. 8.

¹¹⁶*House Report, No. 113, op. cit.*, p. 39.

¹¹⁷*Ibid.*, p. 41.

¹¹⁸*Ibid.*, p. 39.

¹¹⁹*Ibid.*

¹²⁰*Ibid.*

¹²¹*Ibid.*, p. 41.

rament. It was characterized as "a violation of all the proprieties."¹²²

VARYING OPINIONS AS TO THE ASSOCIATION'S LOBBY
AND ITS INVESTIGATION

There were, as one might expect, varying opinions as to the reliability of Mr. Mulhall's charges, and several interpretations of the Investigating Committee's report. It was possible out of the nearly twelve thousand pages of committee hearings and reports for one to construct a conclusion in keeping with his pre-conceived notion or prejudice.

The American Federation of Labor epitomized the investigation in these words:

The documents produced, the statements of the associated agents implicated, revealed to the American people a series of chapters of deception, corruption, and perfidy that has never before been equalled in the history of the United States for scope of operation, audacity of conception, and inhumanity of purpose.¹²³

Far removed from this attitude was that of the National Association of Manufacturers, the officials of which valued the ability of Mr. Mulhall to exercise mysterious influence over men in high places.¹²⁴ His acts were apparently considered justifiable, if not ethically sound, by J. Philip Bird, General Manager of the Association. When asked whether he as Manager of the Association would have been perfectly satisfied if Mr. Mulhall could have done what he was pretending to do, he replied, "If he could have done it, he would have been a wonderful man and I would have been entirely satisfied."¹²⁵ As the work of the House Investigating Committee closed, Mr. Emery, Counsel for the Association, summarized the defense of his organization,¹²⁶ repudiating many of the Mulhall charges,¹²⁷ and issued the sum-

¹²²*Ibid.*, p. 42.

¹²³*American Federation of Labor History, Encyclopedia, Reference Book*, Vol. I, p. 300; cf. *New York Times*, November 11, 1913, p. 6.

¹²⁴*House Hearings on the Lobby*, op. cit., p. 2222.

¹²⁵*Ibid.*, p. 2087.

¹²⁶*New York Times*, September 10, 1913, p. 5; September 17, 1913, p. 7; cf. July 1, 1913, p. 6.

¹²⁷*Ibid.*, September 16, 1913, p. 4, 5.

mary to the press, together with a statement depicting the lobbying activities of the American Federation of Labor.¹²⁹

The press in general, as reflected in editorial comment, appeared confident that even though the Mulhall story might be "made up of a few grains of fact and an intolerable deal of fancy,"¹²⁹ the publicity of the investigation would do much to eliminate improper lobbying in the future.¹³⁰ It was hoped that the investigation would emphasize the recklessness of employing a lobbyist, and the uncertain consequences of such a reposeure of confidence, to the degree that the "occupation of that Othello" would be destroyed.¹³¹

A symposium of editorials from large urban papers contained in essence the conviction that the fruits of the Association's lobbying had assumed proportions of consequence, and that the power characterized by some as the "invisible government" would under the condemnation of the public be forced to legitimate political methods.¹³² It seemed to be generally conceded, however, that the time would never come when legislation would not be granted by favor. Personal friendship is certain to be influential. This conclusion seems rational, and that such influence is still existent there can be no doubt, but there is no evidence showing continuance of the questionable methods employed by the National Association of Manufacturers prior to the investigation.¹³³

¹²⁹"The Labor Lobby," *N. A. M. Bulletin*, *passim*, esp. p. 17; *New York Times*, September 22, 1913, p. 8.

¹³⁰*Nation*, July 31, 1913, p. 94.

¹³¹*Review of Reviews*, September, 1913, p. 334-338.

¹³²*Nation*, July 10, 1913, p. 26.

¹³³*Literary Digest*, July 12, 1913, p. 43-45, April 4, 1914, p. 742, 743.

¹³⁴Cf. *American Federation of Labor History*, *op. cit.*, p. 300; Barrett, C. S., *Uncle Reuben in Washington*, *passim*.

CHAPTER VI

POLITICAL ACTIVITIES—SPECIFIC LEGISLATION AND COURT DECISIONS

The domination exercised by employers and the resistance of workmen through organization have been projected into politics, giving rise to a conflict between political leaders who stood for but little regulation in industry and those who stood for governmental regulation on behalf of wage-earners.¹ Whenever the laboring class has shown an increasing influence over the government, conservative propertied interests become apprehensive, and erstwhile competitors unite against what appears as a common danger. Any successful aggression on the part of labor to secure control over the government quite naturally meets a protest from propertied classes, since the latter have always subconsciously assumed their right to govern; and the workers have acquiesced in that attitude of authority. There is a strong tendency among the masses to adulation of those who possess wealth.² Where this attitude is weak, fear takes its place. Any other analysis of class attitudes must result from observing relatively exceptional occasions of popular resentment which stand out more vividly in some minds than the subconscious acquiescence of workers in general. Not until workers are convinced that they are being exploited do they organize for effective opposition. In so far as organized business interests have control of the press this spirit of opposition may be effectively subdued, since the natural tendency of subordinated classes is to follow the suggestions of the dominating class, and the press may serve to make an appeal to certain impulses of the masses.³

The tendency of propertied interests to reaction is encouraged by the increasing power of the modern state. This added power, due to increased population and the growing complexity of our social and industrial life, encounters the criticism of organized capital. The expansion of governmental control has advanced

¹Dicey, A. V., *Law and Opinion in England*, *passim*

²Veblen, Thorstein, *The Theory of the Leisure Class*, p. 96-101.

³Bryce, James, *Modern Democracies*, Vol. I, p. 107-110, Ross, E. A., *Changing America*, chapter vii.

so rapidly in the United States that the situation is described by Nathan B. Williams, Associate Counsel of the National Association of Manufacturers, as a condition of despotism where the government attempts "to control by law, rule, or regulation, every activity of the citizen."⁴ The philosophy of Alexis de Tocqueville seems to breathe the spirit of the manufacturers' attitude when he describes the sort of despotism democratic nations have to fear. He conceives of a multiplicity of legislative requirements as a depressing cover thrown over society, through which original minds and energetic characters cannot penetrate, enervating and stupifying the people until they become "nothing better than a flock of timid and industrious animals, of which the government is the shepherd."⁵ The National Association of Manufacturers, subscribing to this analysis,⁶ has exercised but little influence to create new legislation, while it has attempted to lessen the volume of new statutes and to prevent the reshaping of our fundamental law.

LEGISLATION FAVORABLE TO WAGE-EARNERS WHETHER
UNION OR NON-UNION: 16TH, 17TH, AND
19TH AMENDMENTS

The Sixteenth, Seventeenth, and Nineteenth amendments to the Federal Constitution have been objects of attack by the Association. Nearly half a century elapsed between the passage of the Fifteenth and Sixteenth amendments; a period very largely under Republican control, a worthy record as viewed by those who considered any constitutional change as unnecessary, if not harmful. The Sixteenth Amendment, and the income-tax law based upon it, were opposed by the National Association of Manufacturers on the ground that they were "socialistic," the major criticism relating to exemptions under the law.⁷ Consistent with this opposition was that against the excess profits tax

⁴Williams, N. B., "Laws and Law Making," *Pennsylvania Manufacturers' Journal*, May, 1926.

⁵Tocqueville, Alexis de, *Democracy in America*, p. 338.

⁶Williams, N. B., *op. cit.*

⁷*Am. Ind.*, April, 1913, p. 13; June, 1917, p. 33, 34; cf. "Legislative Achievements of the American Federation of Labor," *American Federation of Labor Bulletin*, p. 11; *Proc. N. A. M.*, 1920, p. 123.

law of 1917, represented as a double tax upon corporate income and thus "an inequitable distribution of burden."⁸

The Seventeenth Amendment, a measure likewise supported by labor,⁹ received censure from the manufacturers. It was characterized as an innovation that would reduce the inherent purposes, powers, and functions of our national charter, since it was contended that "the Senate was never intended to be a direct popular body Certainly it was never intended to be in direct accord with popular whims or passing caprices of the people."¹⁰

Labor's advocacy of equal suffrage for men and women met with less open opposition from the National Association of Manufacturers. Mr. Emery, in writing to Mr. Kirby in 1912, humorously expressed their discomfort in predicting the possibility of eventually having to "present to a female Congress assembled at the Capitol a petition for the return of male suffrage."¹¹ Later, President Edgerton refers to equal rights between the sexes provided for under the Nineteenth Amendment as having been authorized "to correct an oversight of our forefathers."¹²

EIGHT-HOUR LAWS

The first protest registered by the National Association of Manufacturers against a labor bill came, as has been noted, in 1902.¹³ This bill limited to eight hours the daily services of laborers and mechanics employed upon work for the government.¹⁴ President Search described it as a "serious and unwarranted interference with the business of many manufacturers who have contracts with the government" ¹⁵ A resolution of protest to Congress, coupled with a mass of telegrams from Association members, resulted, according to President Parry, in

⁸*Am. Ind.*, June, 1917, p. 14.

⁹*American Federation of Labor Bulletin*, *op. cit.*, p. 9.

¹⁰*Proc. N. A. M.*, 1912, p. 75, 76.

¹¹Letter from James A. Emery to John Kirby, Jr., April 26, 1912.

¹²*Proc. N. A. M.*, 1925, p. 30; cf. "The American Labor Movement," *American Federation of Labor Bulletin*, p. 18.

¹³*Proc. N. A. M.*, 1902, p. 24.

¹⁴H. R. 3076 (1902)

¹⁵*Proc. N. A. M.*, 1902, p. 24.

the defeat of the bill.¹⁶ The basic reason for the Association's opposition to bills providing for shorter days on government work lay in the effect of such federal legislation upon state legislation.¹⁷ Various bills before Congress in 1908 limiting the hours of labor on government work and providing for legal recoveries for overtime¹⁸ were fought on the ground that if once the right of the State to regulate hours in private employment on government contract were conceded, the right also to regulate wages under the same conditions could not be denied.¹⁹

From 1902 to 1912 the federal eight-hour bills were successfully opposed by the Association's Law Department. The Committee on Resolutions provided for a special committee in 1911 which was enjoined "to use every effort not only to prevent the enactment of similar statutes but to bring about the repeal of said laws at present in force."²⁰ For some years the eight-hour day had obtained in government navy yards and arsenals,²¹ but in 1912 the Department was not able to prevent the passing of an act applying to a large range of government industry, though it did secure amendments that limited the scope of the measure.²² In addition to the arguments above noted; the Association employed others with varying appeals to prevent such legislation. The workman and the employer were represented as having lost a degree of freedom guaranteed in the Constitution, since such acts "take from the American workman the right to work more than 480 minutes of a calendar day," and penalize the employer if another minute of labor be permitted.²³ It was also contended that the federal eight-hour laws resulted in "a great and uneconomic increase in the cost of public work."²⁴

¹⁶*Proc. N. A. M.*, 1902, p. 91.

¹⁷*Proc. N. A. M.*, 1908, p. 290; "Eight Hours by Act of Congress, Arbitrary, Needless, Destructive, Dangerous," *N. A. M. Bulletin*, 1904, *passim*.

¹⁸H. R. 453, 6127, 7564, 15651, 20188 (1908); S. 6414 (1908).

¹⁹*Proc. N. A. M.*, 1908, p. 290.

²⁰*Ibid.*, 1911, p. 231.

²¹*Ibid.*, p. 123.

²²Eight-hour Law, Hearings before the Committee on Education and Labor, U. S. Senate, on H. R. 9061 (1912), *passim*; *Am. Ind.*, July, 1912, p. 33; April, 1913, p. 14; *Bulletin No. 1 of the Citizens' Industrial Association of America*, p. 3.

²³*Proc. N. A. M.*, 1912, p. 80.

²⁴"The Real Problem of the Eight-hour Day," *N. A. M. Bulletin*, *passim*.

The Association's Committee on Resolutions gave as the avowed purpose of those who seek such laws relating to public work a desire to force like limitations upon private enterprise.

As organized labor gathered economic and political power between 1912 and 1920, the eight-hour day movement progressed rapidly through successful "eight-hour" strikes in munition factories, after which the coal miners won the eight-hour day, and in 1916 the Adamson Act was passed introducing the basic eight-hour day for railroad workers. The passage of this act was denounced by the National Association of Manufacturers,²⁶ as was the work of the National War Labor Board, since the latter encouraged the adoption of the eight-hour day in many industries.²⁶ Gradually the eight-hour day has become the ideal of the masses, and has captured most of the basic industries, including the United States Steel Corporation in 1923.²⁷ After the protest registered by a special committee in its detailed report of 1917,²⁸ the National Association of Manufacturers concerned itself largely with other legislation. Cause for renewed action arose in 1926, however, when just preceding the Convention of the American Federation of Labor the five-day week was put into operation in all the Ford automobile plants. This move met a cordial reception at the Federation Convention, but was unwelcome to the manufacturers who were also assembled in annual convention. At once the press carried the protest from the National Association of Manufacturers,²⁹ and a special bulletin was issued containing a symposium by leading manufacturers who declared against a tendency toward less work, increased cost, and the contingent danger of European commercial onslaught.³⁰

LEGISLATION ON BEHALF OF GOVERNMENT EMPLOYEES

The movement toward a shorter day and week is but one phase of labor's program to restrict output as viewed by the

²⁶*Proc. N. A. M.*, 1917, p. 24; *Am. Ind.*, November, 1916, p. 9.

²⁷*Proc. N. A. M.*, 1918, p. 194 *et seq.*; *New York Times*, May 23, 1918, p. 2.

²⁸*Cf.* MacKenzie, F. W., "Steel Abandons the Twelve-hour Day," *American Labor Legislation Review*, Vol. XIII, p. 179-189.

²⁹*Proc. N. A. M.*, 1917, p. 24-43.

³⁰*Literary Digest*, October, 1926.

³¹*Pocket Bulletin*, October, 1926, p. 1-12.

manufacturers. Scientific management as exemplified in the Taylor system or other similar systems, so distasteful to organized labor, constitutes, as the manufacturer usually views it, a way by which production may be increased with benefit to all. A bill before Congress in 1916, making unlawful the use of a stop watch or other time measuring device upon any government work, was strenuously opposed before the House Committee on Labor by Mr. Emery, Counsel for the National Association of Manufacturers, and his associates.³¹ For six days the hearings proceeded, with Mr. Alifas of the International Association of Machinists supporting labor's case. In essence, the committee was subjected to a prolonged debate between Mr. Alifas and Mr. Emery in which a mass of evidence was submitted showing successes and failures in various government and private plants where the Taylor system was in operation. The critical report of the United States Industrial Relations Commission on the use of scientific management in the Watertown Arsenal and thirty-four other shops throughout the country, together with a mass of concrete studies, came before the Committee. Thus through the use of these observations of time and motion study in operation, accompanied by many statements from well-known writers on the subject such as R. F. Hoxie and Frederick Taylor, the opponents presented their cases for and against scientific management, time study, motion study, the bonus system, and other so-called efficiency schemes.

The fear expressed by the manufacturers in 1908, that once the state assumed the right to regulate hours in private employment on a government contract it would assume the right to regulate wages under the same conditions, was not allayed when a bill came before Congress in 1922 creating a board whose duty it was to establish "a fair and reasonable wage and salary schedule" for employees of the navy yards and arsenals.³² Though

³¹"A Bill to Regulate the Method of Directing the Work of Government Employees," *Hearings Before the Committee on Labor, House of Representatives*, 64th Congress, 1st Session, on H. R. 8665, March 30 to April 4, 1916, *passim*.

³²"A Bill Creating a Board of Adjustment and Board of Appeals for Employees of Navy Yards and Arsenals," *Hearings Before the Committee on Labor, House of Representatives*, 67th Congress, 2d Session, on H. R. 11956, June 30, 1922, *passim*.

this step in government wage determination lay outside of private enterprise, the National Association of Manufacturers opposed it on the ground of its probable future extension to private employment under government contract. Having also viewed with disfavor the right accorded the Railroad Labor Board to determine wages on the railroads, the Association objected to the incorporation of that portion of the Transportation Act in additional legislation.⁸³

Government employees have long been regarded as proper subjects for legislative assistance, both because of their weak bargaining position and the popular opinion that a strike against the government cannot be justified. The American Federation of Labor has been influential in getting the eight-hour day for federal employees,⁸⁴ the exclusion of any stop watch system in navy yards and arsenals, and the creation of boards to establish wage schedules based upon certain standards of living. Several groups of federal employees, such as Post Office Clerks, Letter Carriers, and the National Federation of Federal Employees, are now affiliated with the American Federation of Labor. Any movement toward such affiliation has met with the condemnation of the National Association of Manufacturers.⁸⁵ To be thus connected implies the willingness and possibility of employing methods common to American unionism, and while strikes in private industry are censured by the association, any militant action against a government is considered preposterous. With no hope of public approval should they strike, government employees have sought the guardianship of the American Federation of Labor, relying upon its legislative influence for redress of grievances. The National Association of Manufacturers can discover no good in such protection, and cites the difficulties of the Boston police⁸⁶ who placed reliance in the leadership of the Federation.

Seamen, like railroad workers, are in a sense wards of the state, and thus find public opinion willing to grant only the mild

⁸³*Ibid.*, p. 7.

⁸⁴The first eight-hour law for federal employees was secured, however, in 1868 through the assistance of the National Labor Union.

⁸⁵*Proc. N. A. M.*, 1911, p. 127; 1912, p. 138.

⁸⁶*New York Times*, September 17, 1919, p. 2.

method of legislative procedure to improve their status. To this, however, the National Association of Manufacturers cannot subscribe, for the Seaman's Act of 1915,³⁷ and the Adamson Act of 1916,³⁸ are alike objectionable, since Congress has thereby ignored the constitutional right of contract and provided an unworthy object lesson to state legislatures in governmental determination of hours, wages, and working conditions. The Association not only opposed the Seamen's bill before its passage, but has continued to work for its repeal or at least a material modification of its provisions.³⁹

LAWS RESTRICTING IMMIGRATION

Organized labor in America has maintained a consistent and emphatic stand against the tide of immigrants flowing to our shores. Labor has sponsored restrictive measures, such as the exclusion of the Chinese and Japanese, the Contract Labor Law of 1885, the Literacy Test Act of 1917, and the quota laws of 1921 and 1924. To labor these have been considered measures of defense against a threatened demoralization of the standard of living. To manufacturers an adequate labor supply was desirable, since lower wages would normally follow; therefore, in general the National Association of Manufacturers has used its influence against restrictive immigration bills.⁴⁰ The problem has not been a simple one for the Association, since non-restriction results in making the United States the dumping ground of all Europe. President Kirby expressed the fear that the large number of immigrants from Southern Europe brought "nothing but seeds of socialism and anarchy with which to thistle our fertile land."⁴¹ Divided thus in its attitude toward the immigration problem, the National Association of Manufacturers has opposed before Congress certain bills such as a Chinese Exclusion Act of 1906,⁴² the Literacy Test Act of 1917,⁴³ and has

³⁷*Am. Ind.*, April, 1915, p. 11, 35; May, 1915, p. 11; *New York Times*, October 23, 1915, p. 20.

³⁸*Ante*, note 25.

³⁹*Proc. N. A. M.*, 1919, p. 155, 286

⁴⁰*Ibid.*, 1920, p. 236.

⁴¹*Ibid.*, 1904, p. 121.

⁴²*Am. Ind.*, October 1, 1906, p. 9.

⁴³*Proc. N. A. M.*, 1920, p. 171.

criticized the 1921 Quota Act,⁴⁴ and the Quota Reduction of 1924.⁴⁵ The literacy test was criticized by President Mason on the ground that it did not exclude undesirables, since those which our country has found it necessary to deport were usually "able to read and write in half a dozen different languages."⁴⁶ The Association has since 1924 placed the emphasis of its criticism upon the method of selection,⁴⁷ and has worked industriously to prevent any further cutting of the annual quota.⁴⁸ The provision in the 1924 law, making a new quota effective in 1927 which will limit the total number of aliens admitted annually to 150,000, together with the provision excluding the Japanese, has led the Association to file its protest with the President and the Secretary of State.⁴⁹ The exclusion of the Japanese was declared by the Committee on Resolutions to cause "unnecessary offense to a friendly people" when such a policy could have been "effectively established through diplomatic negotiation."⁵⁰

Under the Immigration Act of 1924 a new quota provision was to become effective in 1927, one which would no longer be predicated upon the application of the census of any particular year, but would be ascertained on the basis of the "national origin" of those within the country at any time the law is applied. The quota of each nationality would then bear the same ratio to the 150,000 admitted annually, as the number having this "national origin" bears to our total population. The Association's Committee on Immigration in its 1926 report declared the provision to be difficult, if not impossible, to administer,⁵¹ and will, therefore, doubtless find comfort in the recent suspension of the "national origin" clause of the 1924 law until April 1, 1928.⁵²

⁴⁴*Ibid.*, 1921, p. 13 *et seq.*; *New York Times*, January 31, 1919, p. 3; cf. Stephenson, G. M., *A History of American Immigration: 1820-1924*, p. 182.

⁴⁵*Proc. N. A. M.*, 1923, p. 46; *New York Times*, March 24, 1924, p. 4.

⁴⁶*Proc. N. A. M.*, 1920, p. 171.

⁴⁷*Ibid.*, 1924, p. 154, 160-180; *New York Times*, January 2, 1923, p. 8.

⁴⁸*Proc. N. A. M.*, 1926, p. 163.

⁴⁹*Ibid.*, 1924, p. 216; 1926, p. 92-94.

⁵⁰*Ibid.*, 1924, p. 216.

⁵¹*Ibid.*, 1926, p. 92, 93.

⁵²Immigration Act, S. J. Res. 252 (1927).

CHILD LABOR LAWS AND THEIR CONSTITUTIONALITY

The opposition of the National Association of Manufacturers to the Keating Labor Bill of 1916 harks back to its attitude toward a similar bill introduced by Senator Beveridge in 1907.⁵³ The Keating Bill was regarded by the manufacturers as "a revolutionary extension of the commerce clause." Mr. Emery declared that this, and this alone, was the reason which caused the National Association to oppose this proposal in 1907-8, when the Association first discussed and condemned the principle in its national convention.⁵⁴ The Directors of the National Association of Manufacturers renewed in 1916 this condemnation of "the endeavor to urge Congress to control domestic manufacture within the states under the guise of regulating commerce."⁵⁵ The following excerpt drawn from Mr. Emery's plea before the Senate Committee on Interstate Commerce contains three reasons for the Association's objection to the bill:

The National Association of Manufacturers has been at no time opposed to the regulation of child labor. It has never appeared in any state, so far as I know, in opposition to or criticism of the rational regulation of child labor . . . I represent the opposition of manufacturers in this country to the principle of control here invoked, because it seems from an examination of the measure that it proposes to substitute an exercise of police power by Congress for that of the legislatures of the respective states themselves. Nay, more, by the circumstances of interstate commerce in this country it substitutes the views of Congress for those of boards of aldermen and supervisors and county or municipal authorities in the states themselves with respect to the subject matter here involved, and, more than that, creates a precedent permitting "many an error by the same example to creep into the state."⁵⁶

In support of the Association's position, Mr. Emery cited the following opinion of Justice Lamar, expressed in connection with

⁵³Beveridge, A. J., "Child Labor and the Nation," *Annals of American Academy of Political and Social Science*, January, 1907, p. 115-124; Emery, J. A., "Child Labor Under the Constitution," (and editorial comment), *New Republic*, March 18, 1916, p. 182-184; *Proc. N. A. M.*, 1907, p. 40, 41, 70-73; 1908, p. 157-162, 314.

⁵⁴Emery, J. A., *op cit*, p. 182.

⁵⁵*Ibid.*

⁵⁶*Hearings before Senate Committee on Interstate Commerce*, February 21, 1916, p. 157.

a case involving the principle of control asserted in the Keating bill:

The results would be that Congress would be invested, to the exclusion of the states, with the power to regulate, not only manufacturers, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. . . . A situation more paralyzing to the state governments, and more provocative of conflicts between the general government and the states, and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine.⁸⁷

The National Association of Manufacturers has been a staunch defender of the courts, though it has not hesitated to condemn a judge when he gave a decision in favor of a "union conspiracy."⁸⁸ While the American Federation of Labor favors restriction of the powers of judges to nullify laws by declaring them unconstitutional,⁸⁹ the Legislative Committee of the National Association of Manufacturers has aided in defending "the fundamental equity power of the judiciary."⁹⁰ The courts are regarded by the Association as possessing an attitude toward American unionism quite like its own,⁹¹ while Congress is less certain. The appeals which manufacturers present to the courts in the hope of influencing their decisions are thought to constitute justifiable remedies for "Congressional stupidity."⁹² The overthrow of the federal child labor laws, the first in 1918, the second in 1922, were but two of several notable rulings in the last decade which have served to strengthen the Association's faith in our judicial system. The Supreme Bench is viewed as the bulwark of constitutional guarantees, for in addition to these renderings it has preserved freedom of contract by pronouncing unconstitutional the Minimum Wage Act for the District of Columbia.⁹³

⁸⁷*Kidd v. Pearson*, 128, U. S. 1.

⁸⁸*Am. Ind.*, February, 1915, p. 13.

⁸⁹"The American Labor Movement," *American Federation of Labor Bulletin*, p. 18.

⁹⁰*Proc. N. A. M.*, 1910, p. 289; 1924, p. 150.

⁹¹*Am. Ind.*, August 15, 1908, p. 6; January 1, 1909, p. 6.

⁹²*Ibid.*, March, 1915, p. 7.

⁹³*Proc. N. A. M.*, 1925, p. 250; cf. 1915, p. 134 *et seq.*

PROPOSED CHILD LABOR AMENDMENT

Labor emerged from these reverses with a persistent will to abolish child labor, manifesting itself in the advocacy of the Child Labor Amendment,⁸⁴ a determination which lives even now after the Amendment's defeat.⁸⁵ The stand taken by the National Association of Manufacturers on the issue, and the reasons for its position, are set forth in the following resolution adopted at its 1924 convention :

WHEREAS, The House of Representatives has proposed the submission of an amendment to the Constitution empowering Congress to prohibit or regulate the labor of all persons under eighteen years of age, and

WHEREAS, Such proposal would destroy not merely the right but the obligation of each American community to meet its local problems in terms of its special conditions, as is now being rapidly done, and under the guise of protecting childhood, would authorize by necessary implication the control of all the minor life of the nation, the mode of its training and education, the duties of its parents and guardians, and substitute the bureaucratic regulation of remote, expensive, and irresponsible authority for local and parental control. Therefore, be it

Resolved, That we, the members of the National Association of Manufacturers, in convention assembled, pledge ourselves to the protection and betterment of child life in our respective communities, disapprove of this revolutionary grant of power to the Congress as repugnant to our traditional conception of local responsibility and self-government, tending to stimulate the growth of enlarged and extravagant bureaucracy and serving to defeat the very humanitarian purpose which its disguise suggests.⁸⁶

The organizations most active in support of the proposed Amendment aside from the American Federation of Labor were the National Child Labor Committee, the General Federation of Women's Clubs, the American Association of University Women, the National Educational Association, the National Federation of Professional and Business Women's Clubs, and the National

⁸⁴"Work of Permanent Conference for the Abolition of Child Labor," *American Federation of Labor Bulletin*, *passim*; *Proceedings of the American Federation of Labor*, 1924, p. 207-213; "Child Labor Constitutional Amendment," *American Federation of Labor Bulletin*, *passim*.

⁸⁵*Proceedings of the American Federation of Labor*, 1926, p. 57, 354.

⁸⁶*Proc. N. A. M.*, 1924, p. 215; *New York Times*, October 29, 1925, p. 3; cf. *Proc. N. A. M.*, 1926, p. 319.

League of Women Voters,⁶⁷ the office of the last named becoming the headquarters for Organizations Associated for Ratification of the Child Labor Amendment. These organizations thus centralized their effort and worked through the leading newspapers in every section of the country,⁶⁸ while also making an extensive use of special bulletins.⁶⁹ Editorials favorable to the Amendment were assembled and prepared in pamphlet form for distribution,⁷⁰ together with statements compiled from leading public officials.⁷¹

This force operating for the Amendment's ratification met an equally strong opposing force under the leadership of the National Association of Manufacturers. The vigorous disapproval of the proposed Amendment led the Association to make the fight its chief business in 1924.⁷² David Clark, Editor of the *Southern Textile Bulletin*, claimed to have launched the campaign against the Amendment by sending 50,000 pieces of literature to Southern farmers, showing how the measure would give Congress the right to make laws relative to their children.⁷³ A similar appeal was made through a letter to editors sent out from the Law Department of the National Association of Manufacturers.⁷⁴ The *Southern Textile Bulletin* became an important channel through which the Association brought its arguments to Southern readers.⁷⁵ The official publications of the Associated

⁶⁷*Ibid.*, 1925, p. 65.

⁶⁸"Releases for Afternoon Papers," supplied by Organizations Associated for Ratification of the Child Labor Amendment, January 29, 1925.

⁶⁹"Truths and Half-Truths About Child Labor," January 5, 1925; "The Struggle for the Child Labor Amendment," December, 1924.

⁷⁰"20 Editorials for the 20th Amendment: Influential Papers Urge Ratification," supplied by Organizations Associated for Ratification of the Child Labor Amendment.

⁷¹"What the President and Party Leaders have said about the Child Labor Amendment," supplied by the National League of Women Voters, December 22, 1924.

⁷²"The Nation's Industry Synchronized," *N. A. M. Bulletin*, p. 30.

⁷³*Christian Science Monitor*, October 25, 1924; cf. Chandler, W. A., "Justly Called Unadulterated Bolshevism," *Southern Textile Bulletin*, July 24, 1924, p. 22, 25, 27; "Child Labor Amendment Part of Socialist Program," August 21, 1924, p. 21, 27; "Failed to Pass," March 15, 1923, p. 18.

⁷⁴Letter from Nathan B. Williams, Associate Counsel for the National Association of Manufacturers, to "Editors," September 3, 1924.

⁷⁵*Southern Textile Bulletin*, August 14, 1924, p. 14 *et seq.*, 24.

Industries of Massachusetts,⁷⁶ and the Manufacturers' Association of Connecticut,⁷⁷ were used to reach readers in New England. In addition to the use of its principal publication, *American Industries*,⁷⁸ the National Association of Manufacturers prepared several special bulletins, some for distribution in colleges,⁷⁹ others for more general consumption.⁸⁰ The lettered minds of America were reached through select journals,⁸¹ and lectures,⁸² while the masses were enabled to acquire the Association's viewpoint through large urban papers,⁸³ or reprints in those reaching rural districts.⁸⁴ Other national anti-union employers' associations joined hands with the National Association of Manufacturers in its propaganda against the proposed Amendment.⁸⁵

The most forceful and organized effort of the National Association of Manufacturers lay in its attempt to counterbalance the work of the Organizations Associated for Ratification of the Child Labor Amendment through the formation of the National Committee for Rejection of the 20th Amendment. This was probably intended to exist as an ephemeral body only dur-

⁷⁶Gall, J. C., "Child Labor Amendment and the Farmer," *Industry*, October 18, 1924, p. 1, 2; Emery, J. A., "The Proposed Child Labor Amendment," *Industry*, August 23, 1924, p. 25; Gow, C. R., "The Proposed Twentieth Amendment and Its Meaning to the Average Citizen," *Industry*, September 27, 1924, p. 1, 2; "Real Purposes of the Proposed Twentieth Amendment," *Industry*, September 13, 1924, p. 1, Anderson, C. S., "A Plea for Little Children," *Industry*, August 16, 1924, p. 1.

" . . . "The Proposed Twentieth Amendment," *Connecticut Industry*, August, 1924, p. 5-12.

⁷⁷*Am. Ind.*, February, 1925, p. 1 *et seq*

⁷⁸Sargent, Noel, "Why Employers Are Opposed to the Twentieth Amendment," February, 1925.

⁷⁹Emery, J. A., "An Examination of the Proposed Twentieth Amendment to the Constitution of the United States," 1924.

⁸⁰Eliot, C. W., "The Child Labor Amendment," *Harvard Alumni Bulletin*, November 27, 1924, p. 291.

⁸¹J. A. Emery, Counsel for the National Association of Manufacturers, lectured before the American Academy of Political and Social Science on the Child Labor Amendment, October 29, 1926.

⁸²*New York Times*, August 18, 1924, p. 3; February 25, 1925.

⁸³Report of the National Founders' Association's opposition to the proposed Child Labor Amendment to the Constitution, at its Annual Convention, *New York Times*, November 21, 1924, p. 3.

ing the period of tense conflict. Housed in the same building with the Law Department of the National Association of Manufacturers, with a member of that Department, Mr. John C. Gall, acting as its Secretary, this National Committee constituted essentially the temporary headquarters of propaganda for the National Association of Manufacturers and affiliated or like-minded organizations.⁸⁶ Its publications were varied, consisting of bulletins⁸⁶—one having been read into the *Congressional Record* by Senator Overman⁸⁷—and articles in publications of the National Association of Manufacturers⁸⁸ and in other magazines.⁸⁹ Secretary Boudinot stated in his 1925 report that "the outstanding activity of your Association during the year has been close cooperation with the National Committee for the Rejection of the 20th Amendment to the United States Constitution,"⁹⁰ and in enumerating the states where the Amendment had been rejected he also stated that "legislators were appealed to as responsible officials dealing with a great public question and urged to consider the actual facts regarding the employment of minors in their own and other states."⁹¹

Since the principal advocates for the Amendment declared that agitation for its ratification would continue, Secretary Boudinot declared "such efforts will be met in a systematic and energetic manner,"⁹² and to this end the Committee on Junior

⁸⁶"State Laws Affecting Foreign Corporations," *N. A. M. Bulletin*, p. 1; *Washington Service Bulletin*, October 1, 1925; letterhead used by the National Committee for Rejection of the Twentieth Amendment; *Proc. N. A. M.*, 1925, p. 47, 65.

⁸⁷"The Proposed Twentieth Amendment to the Federal Constitution . . . a Cross Section of American Sentiment in Opposition to the Revolutionary Growth of Power Sought by Congress from the Several States," *National Committee for Rejection of the Twentieth Amendment Bulletin*; *Bulletin*, "Find Your Facts," 1924; *Bulletin*, "XX Reasons for Rejection of the Proposed XX Amendment to the Constitution."

⁸⁸*Congressional Record*, January 2, 1924, Vol. LXV, p. 10073, 10074.

⁸⁹"Proposed Constitutional Amendment," *Washington Service Bulletin*, November 1, 1924, p. 2.

⁹⁰Cadwalader, T. F., "The Proposed Twentieth Amendment," *Constitutional Review*, October, 1924.

⁹¹*Proc. N. A. M.*, 1925, p. 47.

⁹²*Ibid.*, p. 48.

⁹³*Ibid.*, p. 49.

Education and Employment,⁸³ a division of the Industrial Relations Department, has been created and pledged to assist in stimulating "thoughtful action . . . for the protection of child life and its best development."⁸⁴ No committee of the Association has apparently been more active during the last two years than the Committee on Junior Education and Employment.⁸⁵ The chief publications of the Committee consist of recent bulletins entitled "Facts About Child Labor" and "Educating the Coming Generations," each containing government statistical data, presented in many attractive colored charts. The National Committee for Rejection of the 20th Amendment was still functioning according to Secretary Boudnot's report of 1926, and "will not cease from its efforts to defeat this iniquitous measure" so long as it is actively supported by the National Child Labor Committee and the American Federation of Labor.⁸⁶ The National Association of Manufacturers is still active in supplying releases for newspapers,⁸⁷ and articles for magazines,⁸⁸ dealing with the problem. President Edgerton looks upon the issue as part of a present day frenzy to change laws, "to multiply and socialize the processes of government." He summarizes its evils thus:

It is meant to serve the double purpose of so restricting production as to compel uneconomic advances in wages and to so expand the powers of the federal government as to require the creation of more public offices, and a further excuse for raising the cost of government. It would not serve but would defeat the very humanitarian purpose which its disguise suggests. By the prompt advantage which would be taken of its provisions it would release from profitable, healthful, and otherwise helpful employment thousands of robust young Americans in

⁸³*Ante*, p. 85, 86.

⁸⁴*Proc. N. A. M.*, 1925, p. 295; 1926, p. 81, 319.

⁸⁵*Ibid.*, p. 115-133.

⁸⁶*Ibid.*, p. 83.

⁸⁷An article prepared by the National Association of Manufacturers for "all afternoon papers," October 29, 1926, entitled "Child Labor Decreases"; another on July 27, 1926, entitled "Only Eight Per Cent of All Children Employed—Industry Engaging About One and One-half Per Cent."

⁸⁸Emery, J. A., "Is Child Labor a Government or State Function?" *Annals of American Academy of Political and Social Science*, January, 1927, p. 34-40; Cheney, Howell, "State Versus Federal Regulation of the Labor of Children," *Annals*, January, 1927, p. 40-58.

communities with inadequate educational facilities and force upon vast numbers an idleness hurtful alike to themselves and to society"⁹⁹

LEGISLATION PARTICULARLY FAVORING UNION
LABOR—JUDICIAL OBSTACLES

The struggle of the laborer to improve his condition has assumed different forms. He has been led to organize with his fellows, to establish working agreements with his employer, to substitute a new principle of remuneration through profit sharing or cooperation, and finally to invoke the protection of the law. The legislative experience of organized labor in America has constituted a series of successes and failures, the latter due primarily to the judicial obstacles encountered. Judges have become psychologists, skilled in the discernment of motives, as was amply proven in the judicial review of our federal child labor legislation. Laws have been sponsored by labor without their full implications being recognized. The Sherman Anti-Trust Act of 1890, which forbade combinations in restraint of interstate trade and commerce, was a case in point; a law intended for the regulation of business, the force of which has been directed upon organizations of labor through judicial interpretation. The efforts of labor to extricate itself from the grasp of the Sherman Act have resulted in its disappointment in the face of compelling political influence of propertied interests.

MODIFICATIONS OF THE SHERMAN ANTI-TRUST ACT

Since 1902 organized labor has worked strenuously to secure exemption for labor combinations from the Sherman Anti-Trust Act. The Federation lobby, however, made little impression upon the House Committee of the Judiciary, of which Representative Littlefield was Chairman.¹⁰⁰ After labor's defeat in the congressional election of 1906, it launched an aggressive legislative campaign.¹⁰¹ Among the measures introduced in the first session of the Sixtieth Congress was the Hepburn Bill for the Amendment of the Sherman Law. Sponsored by the National Civic Federation, it sought to define the rights of voluntary or-

⁹⁹*Proc. N. A. M.*, 1924, p. 116, 117.

¹⁰⁰*Anti*, p. 112.

¹⁰¹"Legislative Achievements of the American Federation of Labor," *American Federation of Labor Bulletin*, p. 7, 8.

ganizations, and to distinguish between combinations in "reasonable" and "unreasonable" restraint of trade. Unlike several other bills boldly exempting combinations of labor from the operation of the Sherman Act, the Hepburn Bill was considered by the manufacturers as "effecting the same end under the specious plea of vindicating the lawful rights of combinations of labor" ¹⁰² Mr. Emery said, "Its labor features unquestionably legalize both the boycott and malicious and sympathetic strikes" ¹⁰³ The National Association of Manufacturers met the issue by an "exposure of its dangerous features" through the press, ¹⁰⁴ effective influence over the minority leader in the House, ¹⁰⁵ the substantial support of Mr. Littlefield, Chairman of the Sub-Committee of the judiciary, during the hearings on the bill, ¹⁰⁶ and the valued cooperation of Daniel Davenport, Counsel for the American Anti-Boycott Association. ¹⁰⁷ After defeat of the Hepburn bill in the Committee, the National Association of Manufacturers formally but vigorously by resolution registered its protest "against the passage by Congress of any legislation giving to organized labor immunity from the operation of any of the provisions of the Sherman Law that are operative against any other class or classes of citizens." ¹⁰⁸

Several abortive attempts were made by the American Federation of Labor in the Sixty-first Congress to amend the Sherman Act. ¹⁰⁹ In the Sixty-second Congress the Federation made another attempt by means of a rider to the Sundry Civil Appropriation Bill similar to that tried in the preceding Congress. ¹¹⁰ The bill provided for certain exemptions for labor organizations and farmers' organizations under the Sherman Act and passed both houses, a victory for labor, only to be vetoed by President

¹⁰²*Proc. N. A. M.*, 1908, p. 291.

¹⁰³*Ibid*

¹⁰⁴*Ibid*, p. 111.

¹⁰⁵*Ibid*, p. 297

¹⁰⁶*Ibid*, p. 292.

¹⁰⁷*Ibid*

¹⁰⁸*Ibid*, p. 143.

¹⁰⁹Wright, P. G., "Organized Labor and Organized Business," *Quarterly Journal of Economics*, February, 1915, p. 255-257.

¹¹⁰"Legislative Achievements of the American Federation of Labor," *American Federation of Labor Bulletin*, p. 10.

Taft.¹¹¹ The success of the National Association of Manufacturers in defeating labor's repeated attempts to amend the Sherman Act lay in part in its ability to have such bills referred to the Committee on the Judiciary, the personnel of which was not sympathetic to labor.¹¹² There was less advantage to the Association in directing bills to this Committee after Mr. Clayton succeeded Mr. Littlefield as its chairman.¹¹³ With the coming of the Sixty-third Congress, the Democrats were in complete control of the government, pledged by their party platform to a policy favorable to labor. The Sundry Civil Appropriation bill was re-introduced, passed, and signed by President Wilson. The Clayton Anti-Trust Act, passed in 1914, was proclaimed by Mr. Gompers to be "a great victory for organized labor," and "the industrial Magna Carta upon which the working people will rear their structure of industrial freedom."¹¹⁴ The National Association of Manufacturers at once voiced its disapproval of the Act in the press.¹¹⁵

THE LEGAL STATUS OF THE BOYCOTT AND INJUNCTION—

LOEWEE V. LAWLOR

The defensive legislative fight carried on by the National Association of Manufacturers was accompanied by an aggressive attack upon organized labor through the courts. Cooperating closely with the National Association of Manufacturers, was the American Anti-Boycott Association,¹¹⁶ created in 1902, and assuming leadership from the first in conducting litigation against labor.¹¹⁷ Its avowed purpose is to "promote the public welfare

¹¹¹Wright, P. G., *op cit.*, p. 256.

¹¹²U. S. Congress, House Select Committee on Lobby Investigation, "Charges Against Members of the House and Lobby Activities of the National Association of Manufacturers of the United States of America, and Others," *Hearings Before the Select Committee of the House of Representatives appointed under House Resolution 198, 63d Congress, 1st Session, July 12 to September 19, 1913*, p. 82, 84

¹¹³*Ibid.*

¹¹⁴*American Federationist*, November, 1914, p. 3.

¹¹⁵*New York Times*, May 21, 1914, p. 1.

¹¹⁶*American Anti-Boycott Association Bulletin*, February, 1907, p. 7; *ante*, p. 29.

¹¹⁷*Proc. N. A. M.*, 1909, p. 111.

by proper and legal resistance to boycotting, picketing, unlawful strikes, and other labor conspiracies."¹¹⁸ This organization, since 1919 known as the League for Industrial Rights, has absolved the National Association of Manufacturers of all financial responsibility in the prosecution of the famous Bucks Stove and Danbury Hatters' test cases.¹¹⁹ Mr. F. R. Boocock, the Secretary of the League for Industrial Rights, conceded that in legislative matters the two organizations worked hand in hand at Washington under the joint leadership of Daniel Davenport, Counsel for the League, and James A. Emery, Counsel for the National Association of Manufacturers, but the judicial matters have been left largely to the former.¹²⁰ The distinct cooperation of President David M. Parry and Director C. W. Post of the National Association of Manufacturers in Mr. Davenport's legal battle against boycotts is also recognized.¹²¹ The Danbury Hatters' Case¹²² applying the Sherman Law, prohibiting monopolies, to an interstate boycott declared by the Hatters' Union against a Danbury hat manufacturer, gave the manufacturers an assurance that the federal courts were established in their condemnation of secondary boycotts as being in restraint of trade. An attempt had been made by the United Hatters of America to unionize the Loewe factory at Danbury, Connecticut, which involved the use of an extensive secondary boycott to induce dealers not to carry Danbury hats. This resulted in restraining interstate commerce in the product. The case was prosecuted by the League for Industrial Rights, with legal, if not financial, assistance from the National Association of Manufacturers.¹²³

GOMPERS V. BUCKS STOVE AND RANGE COMPANY

Great significance is attached to the Bucks Stove Case¹²⁴ in its relation to the National Association of Manufacturers, since

¹¹⁸*Constitution, American Anti-Boycott Association*, p. 2.

¹¹⁹*Proc. N. A. M.*, 1909, p. 112; Merritt, W. G., *History of the League for Industrial Rights*, p. 37, 38.

¹²⁰*Proc. N. A. M.*, 1904, p. 184-191; 1909, p. 112.

¹²¹Merritt, W. G., *op. cit.*, p. 31, 32.

¹²²*Loewe v. Lawlor*, 208 U. S. 274 (1908); *Lawlor v. Loewe*, 235 U. S. 522 (1915).

¹²³Merritt, W. G., *op. cit.*, p. 31, 32; *Proc. N. A. M.*, 1925, p. 245.

¹²⁴*Gompers v. Bucks Stove and Range Company*, 221 U. S. 418 (1911).

President Van Cleave of the Association was also president of the Bucks Stove and Range Company,¹²⁵ and member of the American Anti-Boycott Association which prosecuted and financed the case.¹²⁶ The publication of the name of the Bucks Stove and Range Company on the "We Don't Patronize" list of the American Federation of Labor in pursuance of a boycott was enjoined, with the result that Samuel Gompers, John Mitchell, and Frank Morrison were given prison sentences for contempt of court when they continued to encourage the boycott.¹²⁷ Both of these cases were more than mere trials to find out whether a specific defendant were guilty or innocent of offense under the law. They were test cases to determine the scope of the Sherman Law. The result was a victory for the manufacturers and their ally in the courts, the American Anti-Boycott Association, through the sanction of the injunction and the condemnation of the boycott.¹²⁸ The American Anti-Boycott Association had proven its power in the courts as it has in succeeding cases.¹²⁹ The "Parry-Post-Van Cleave Combine" of the National Association of Manufacturers had cooperated with an intense program of propaganda.¹³⁰ The Bucks Stove case having made individual members of unions liable for damages under the provisions of the Sherman Act,¹³¹ and having approved of the extensive use of injunctions, led labor after 1908 vigorously to demand federal legislation granting exemption to unions from anti-trust legislation, and providing restriction in the use of the injunction.¹³² After persistent agitation, labor secured the passage of the Clayton Anti-Trust Act in 1914.

¹²⁵Merritt, W. G., *op. cit.*, p. 32; *Proc. N. A. M.*, 1925, p. 240.

¹²⁶Merritt, W. G., *op. cit.*, p. 37, 38.

¹²⁷*Senate Document, No. 33, 63d Congress, 1st Session, U. S. Supreme Court: Samuel Gompers, John Mitchell, and Frank Morrison, petitioners v. the Bucks Stove and Range Company.* These prison sentences were revoked.

¹²⁸*American Federation of Labor History, Encyclopedia, Reference Book, 1919, Vol. I, p. 162 et seq*

¹²⁹Merritt, W. G., *op. cit.*, p. 119, 120.

¹³⁰*Ibid.*, p. 32.

¹³¹Although the case was not brought under the Sherman Act, the principles set forth by the court were identical.

¹³²*Proc. N. A. M.*, 1910, p. 289.

MODIFICATIONS OF THE JUDICIAL PROCESSES OF
INJUNCTION AND CONTEMPT

The passage of this act was believed by organized labor at the time to be the culmination of that for which it had fought since 1902.¹³³ It had contested unsuccessfully up to that time against the National Association of Manufacturers and the American Anti-Boycott Association in legislative and judicial battles.¹³⁴ Labor demanded a modification of the practice of issuing writs of injunction in connection with labor disputes,¹³⁵ and sought to establish the right of trial by jury in contempt-of-court cases arising in such disputes.¹³⁶ The National Association of Manufacturers issued bulletins,¹³⁷ prepared articles for magazines,¹³⁸ passed resolutions vigorously opposing injunction legislation intended thus to restrict the power of the courts,¹³⁹ and represented its chief task in 1912 to be the "defense of the judiciary of the country against proposals calculated to impair its integrity."¹⁴⁰ The public was informed by the Association that labor exaggerated the number of injunctions granted in industrial disputes, and the harm resulting from their use. The National Council for Industrial Defense adduced considerable evidence showing the limited use of the injunction process. The statistical data showed that of the 328 injunctions granted by the federal courts of the entire country during the five years

¹³³*Proc. N. A. M.*, 1902, p. 23; *Senate Bill 1118* (1902)

¹³⁴*American Federationist*, April, 1906, p. 228; *Proc. N. A. M.*, 1904, p. 116; 1907, p. 11-18; 1908, p. 109, 264; 1909, p. 61, 62; 1910, p. 91, 119; 1912, p. 80.

¹³⁵*Anti-Injunction Bill*, Complete Hearings before the Committee on the Judiciary, House of Representatives of the United States, 1904, p. 679 *et seq.*; *Proc. N. A. M.*, 1908, p. 264.

¹³⁶*Am Ind.*, April, 1913, p. 15.

¹³⁷"Injunctions," "The Boycott," "The Doom of the Boycott," "The Crime of the Century and Its Relation to Politics," "Where Do You Stand?" *N. A. M. Bulletin*, p. 18; *National Council for Industrial Defense Bulletin*, No. 18.

¹³⁸Emery, J. A., "Use and Abuse of Injunctions in Trade Disputes," *Annals of American Academy of Political and Social Science*, Vol. XXXVI, p. 128 *et seq.*

¹³⁹*Proc. N. A. M.*, 1908, p. 143

¹⁴⁰"The Nation's Industry in Convention," *N. A. M. Bulletin*, p. 19.

preceding 1912 only 20 were in labor disputes.¹⁴¹ One writer has recently shown that in the absence of other protective agencies, the injunction does little to prevent and not a little to provoke violence and disorder during strikes and boycotts, with harm to the employer, and in cases like that of the Bucks Stove and Range Company serves merely to advertise and extend the boycott.¹⁴²

Labor's belief that by virtue of the Clayton Act it was no longer under the ban of the Sherman Law, that strikes, boycotts and picketing could no more be obstructed by injunctions, proved unfounded. Aside from the right of trial by jury in contempt cases,¹⁴³ labor's gains have been imperceptible.¹⁴⁴ The high hopes entertained by labor have through the vagueness of the Act been wrecked by judicial interpretation.¹⁴⁵ The League for Industrial Rights has worked diligently to destroy through test cases the efficiency of labor's achievement in the Clayton Act. In 1918 the Committee on Resolutions of the National Association of Manufacturers formally condemned the "un-economic provisions of the Sherman Anti-Trust Law and the Clayton Act," and recommended that Congress revise these acts so as to permit "collective economic action in business transactions."¹⁴⁶ The Clayton Act was criticized because of the limitations it imposed upon business.¹⁴⁷ In consideration of the attitude of the Supreme Bench, the Committee apparently had little fear of the Act's power to emancipate labor from disturbance through injunctions.¹⁴⁸ Any modification of the injunction favorable to

¹⁴¹"The Disadvantages of Labor Unionism," *N. A. M. Bulletin*, p. 20.

¹⁴²Witte, F. E., "Value of Injunctions in Labor Disputes," *Journal of Political Economy*, Vol. XXXII, 1924, p. 335-356; cf. Kennedy, J. C., "Important Labor Injunction in the Bucks Stove and Range Company Suit," *Journal of Political Economy*, Vol. XVI, 1908, p. 102-105.

¹⁴³Jury trial for contempt was sustained in November, 1924; cf. *Literary Digest*, November 8, 1924, p. 12.

¹⁴⁴Merritt, W. G., *The Struggle for Industrial Freedom*, p. 48 et seq.

¹⁴⁵*Duplex Printing Press Company v. Deering*, 254 U. S. 443 (1921); *United Mine Workers v. The Coronado Coal Company*, 259 U. S. 344 (1922).

¹⁴⁶*Proc. N. A. M.*, 1918, p. 107.

¹⁴⁷*Ibid.*, p. 334-338; 1919, p. 285, 334-337.

¹⁴⁸*Ibid.*, 1923, p. 305-308.

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¹⁴⁷*Ibid.*, p. 334-338; 1919, p. 285, 334-337.

¹⁴⁸*Ibid.*, 1923, p. 305-308.

organized labor can come only through a changed attitude of the courts, which results from the slow and uncertain change in public opinion.

TRANSPORTATION ACT

The criticism of the Anti-Trust Acts by business interests, in so far as they curbed the integration of industry, has borne fruit in the passage of the Webb-Pomerene Act of 1918 and the Transportation Act of 1920. Combination to promote foreign trade and railroad consolidations provided for under these acts denote a marked liberalization of the Sherman Law in a manner favorable to capital. While the Transportation Act, including its provision for a Railroad Labor Board, "did not entirely conform to the principles of the National Association of Manufacturers in that it did not encourage direct negotiations and settlements between employer and employee," it enjoyed the nominal approval of that body.¹⁴⁹ Even though the Labor Board had no authority except as a fact finding body, with the right in the event that its decisions were not complied with, to publish its findings, the Association's Committee on Resolutions declared its system of compulsory investigation more desirable than compulsory arbitration.¹⁵⁰ The major test of the Labor Board's ability to settle industrial disputes arose with the Shopmen's Strike in 1922. This test furnished an occasion for the National Association of Manufacturers to assist the operators. President Edgerton pictured the situation thus:

Representing as we do the largest portion of the shipping interests of the nation and seeing those interests jeopardized by organized greed and lawlessness, and observing the peril to some of the most cherished of American principles, we extended the unsolicited and unsubsidized hand of helpfulness to those who were fighting the common battle. Except for the publicity which we were prepared to give and did give effectively to the facts of the situation and for other entirely proper and just services which we were able to render, it is very doubtful that this strike would or could have been won by the railroads for the public.¹⁵¹

¹⁴⁹*Proc. N. A. M.*, 1926, p. 95; 1923, p. 252, 314; 1924, p. 26 *et seq.*, 154;

"Public Opinion and Railway Labor Disputes," *N. A. M. Bulletin*.

¹⁵⁰*Proc. N. A. M.*, 1923, p. 314.

¹⁵¹*Ibid.*, p. 110, 111.

The lack of authority on the part of the Labor Board, however, resulting in a relatively futile effort on its part, made some feel that the labor aspect of the railroad problem was an issue yet to be satisfactorily settled.¹⁵² But any move toward a modification of the Act met with an immediate protest from the National Association of Manufacturers.¹⁵³ The Chairman of the Labor Board, Mr. B. L. Hooper, possessed the economic philosophy of the manufacturers in his condemnation of public utility strikes and class legislation, and in his advocacy of the use of injunctions in labor disputes and the safeguarding of every power now enjoyed by the courts.¹⁵⁴ To this leadership on the Board, the Association was able to render its hearty support.

The first notable attempt to repeal the labor provisions of the Transportation Act was the introduction into the House and Senate in 1924 of identical measures, commonly known as the Howell-Barkley bills.¹⁵⁵ These bills proposed a repeal of Title iii of the Transportation Act, thus effecting the abolition of the Railroad Labor Board and the substitution of a method of adjusting labor disputes proposed by the railroad labor organizations. The method provided for bi-partisan boards of adjustment, a board of mediation and conciliation, voluntary arbitration, and a fact-finding commission to be appointed by the President in an emergency. The opposition centered in a defense of the Labor Board and the undesirability of recognizing the national unions in the creation of adjustment boards. This was the issue in the Shopmen's Strike of 1922. The National Association of Manufacturers took immediate steps to inform the American people of labor's effort "to deprive the public of representation,"¹⁵⁶ and of labor's attempt to "re-fasten upon the transportation system of the nation the inexcusable and indefensible closed shop octopus at the very hour when the railroads are emerging from a baptism in the mud of employee control, and are demonstrating

¹⁵²Cf. Seager, H. R., *Principles of Economics*, p. 466; 69th Congress, 1st Session, *Hearings on House R. 7180*, January-February, 1926, p. 202.

¹⁵³*Proc. N. A. M.*, 1924, p. 117, 214.

¹⁵⁴*Ibid.*, 1923, p. 340-350; *New York Times*, February 23, 1926, p. 2.

¹⁵⁵Howell-Barkley Bill, S. 2646 and H. R. 7358 (1924).

¹⁵⁶*Proc. N. A. M.*, 1924, p. 214.

the most hopeful efficiency in management and service we have seen in many years."¹⁵⁷

WATSON-PARKER RAILWAY LABOR DISPUTES ACT

The most recent act of importance to receive the approval of the American Federation of Labor¹⁵⁸ and the disapproval of the National Association of Manufacturers¹⁵⁹ is the Watson-Parker Railway Labor Disputes Act of April, 1926. Briefly stated, the Act provides for adjustment boards, set up by agreement of the carriers and the men, for settlement through conference of any dispute arising as to wages or rules or working conditions. Should the contestants fail to agree, they are to refer the controversy to a Federal Board of Mediation and Conciliation consisting of five members appointed by the President. The Board may mediate, or provide the means of voluntary arbitration. Awards under this process of voluntary arbitration are binding. If the controversy is not settled by conference, by mediation, or by arbitration, the President may upon request of the Mediation Board appoint a fact-finding emergency board. This board of investigation must be appointed within thirty days after the request is made, and must report within thirty days after its appointment. Within this maximum interval of sixty days it is unlawful for either party "to change the conditions out of which the dispute arose."¹⁶⁰

As the foregoing will indicate, the Act is substantially a combination of provisions formerly used in the adjustment of railway labor disputes, yet it possesses some features thoroughly objectionable to the National Association of Manufacturers.¹⁶¹ Four serious objections were presented by Mr. Emery before the Senate and House Committees. The measure was criticized, first, because it was left with the Mediation Board to suggest

¹⁵⁷*Proc. N. A. M.*, 1924, p. 117.

¹⁵⁸*Proceedings of the American Federation of Labor*, 1926, p. 305.

¹⁵⁹*Proc. N. A. M.*, 1926, p. 96; *New York Times*, January 12, 1926, p. 3; January 18, 1926, p. 1, 2; February 23, 1926, p. 2; February 27, 1926, p. 7; March 15, 1926, p. 3; "New Railroad Labor Law," *The American Labor Legislation Review*, June, 1926, p. 140, 141.

¹⁶⁰S. 2306, H. R. 7180 (1926).

¹⁶¹*Proc. N. A. M.*, 1926, p. 78, 96; *Pocket Bulletin*, February, 1926, p. 1 et seq.

to the President the appointment of emergency boards rather than to vest the initiative directly in the chief executive;¹⁰² second, because of the failure to give to the emergency board power to compel the attendance of witnesses and the producing of testimony;¹⁰³ third, because the language as to the postponement of a strike for sixty days seemed ambiguous and uncertain, instead of an explicit prohibition of any strikes during the period named;¹⁰⁴ and fourth, because the public, through the proposed law, would be denied the protection given by the Labor Board.¹⁰⁵ This protection consisted of compulsory investigation by the Labor Board, requirement that one member of the public group on the Board must vote for an increase of wages in order to make it effective, and the power of the Board to suspend any wage agreement necessitating an increase in rates.¹⁰⁶ Several special bulletins were prepared by the Law Department of the National Association of Manufacturers to provide the usual publicity accorded any issue upon which the Association takes so positive a stand.¹⁰⁷ By far the most serious objection raised by the Association was that the public interests, in common with their own, were not safeguarded in the bill.¹⁰⁸

Employers deplore the tendency toward constitutional changes and the increasing dominance of the state over industry; but governmental control of wages, of working conditions, and set-

¹⁰²Sixty-ninth Congress, First Session, Hearings S 2306, p. 191; H. R. 7180, p. 211, 340, 349.

¹⁰³Hearings H. R. 7180, *op. cit.*, p. 211.

¹⁰⁴*Ibid.*, p. 270.

¹⁰⁵*Ibid.*, p. 261.

¹⁰⁶Railway Labor Disputes Bill: Statement of Hon James A. Emery, General Counsel for the National Association of Manufacturers and the National Industrial Council, Before the Committee on Interstate and Foreign Commerce, U. S. House of Representatives, 69th Congress, 1st Session, on H. R. 7180, February 4, 1926, cf. Fisher, C. O., "The New Railway Labor Act," *The American Economic Review*, March, 1927, p. 177-187.

¹⁰⁷*N. A. M. Bulletins*, "Pending Congressional Legislation," December 30, 1925; "Pending Railroad Labor Disputes Bill," January 14, 1926; "Petition to the Senate of the United States urging Certain Amendments to the 'Railroad Disputes Bill,' S. 2306, H. R. 9463," March 15, 1926.

¹⁰⁸Railway Labor Disputes Bill. Statement of Hon. James A. Emery, *op. cit.*, p. 6; *Proc. N. A. M.*, 1924, p. 26.

tlement of industrial disputes are considered the lesser evil than the recognition of unions and collective bargaining demanded by American unionism. This choice will persist as long as legislative and judicial processes can be sufficiently influenced by the employers. "The opinion of the state, at least in its legislative expression, will largely reproduce the opinion of those who hold the keys of economic power."¹⁶⁰ Even though the courts may reflect less quickly and accurately the opinion of possessors of wealth, their decisions will tend in that direction. The personnel of American courts has been trained in the natural rights philosophy of the eighteenth century, and, since our federal and state constitutions accept those premises, judicial interpretations are tinctured with the same individualism.

¹⁶⁰Laski, Harold, *Authority in the Modern State*, p. 81, 82.

CHAPTER VII

INDUSTRIAL BETTERMENT PROJECTS

The discussion in the preceding chapters implies the existence of a conflict between the interests of capital and labor, that the profit motive dominates employers, while the goal of increased wages and shorter hours becomes the obsession of the workers, leading the contestants to organization and the practices resulting therefrom. This idea of conflict of interests is exactly what the manufacturers refuse to admit. The National Association of Manufacturers persists in its attempt to teach the wage-earner "that his interests and those of his employer are identical."¹ That increased profits constitute the goal of manufacturers, the Association leaders freely admit, but they discover no fundamental disharmony between the worker and the capitalist because of it. Increased production is the panacea held out to the employee as that which will increase both wages and profits.² Coupled with the Association's program of defense against the aggression of organized labor through militant and legislative methods, the National Association of Manufacturers has through various industrial betterment projects attempted to protect and educate the worker. It has endeavored to impress "upon the workingmen of this country that their employers are their best friends,"³ that "half-baked theories" of certain labor leaders cannot bring the prosperity beneficial to employee and employer alike,⁴ and has attempted to establish a better understanding of each other's viewpoint in order that the "supposedly irreconcilable differences" may "melt into mutuality of interest."⁵

In order that this community of interest may be impressed upon the worker's consciousness, the National Association of Manufacturers has concerned itself with accident-preventing devices, insurance for employees, workmen's compensation, industrial education, and, in more recent years, the problem of employee representation. This procedure on the part of the

¹*Proc N. A. M.*, 1918, p. 215.

²*Ibid*

³*Ibid*, 1914, p. 168.

⁴*Ibid.*, p. 64.

⁵*Ibid.*, 1918, p. 215.

Association is not in conflict with its profit motive, for with the perfection of machine processes competitive profits must come through more attention to the human element in industry. The installation of these devices by the employer for the reputed well-being of the workers has, nevertheless, the purpose of increasing production, as have personnel departments, projects for profit sharing, labor co-partnership, and scientific management. The immediate impulses behind the various devices differ, but the basic impulse is the same. The elimination of trade unionism through the attraction and success of a substitute may be the recognized reason for promotion of the substitute, but basically the desire for profits provides the incentive, while a purely altruistic motive is often held before the public.

ACCIDENT PREVENTION

An organized scientific movement for the protection and perfection of the human element in industry developed with the twentieth century, and received its greatest impetus during the War in response to a definite need. In 1901 the National Association of Manufacturers first formed an Industrial Betterment Department,⁶ but it was in 1910 that the Association directed its efforts in a positive way toward the prevention of accidents.⁷ Industrial safety and accident prevention were the main considerations at the 1911 and 1914 Conventions.⁸ In the former year the Committee on Industrial Indemnity Insurance made its report, growing out of an extensive investigation of the subject of accident prevention and relief in Europe, with special attention to England and Germany.⁹ For a number of years the Association published *Preventive Appliances* as a supplement to *American Industries*, devoting it to methods for preventing accidents,¹⁰ and has also issued many bulletins on the subject.¹¹ Moving picture films on industrial accidents have been prepared and

⁶*Proc. N. A. M.*, 1901, p. 62.

⁷*Ibid.*, 1910, p. 160-167.

⁸"The Nation's Industry in Convention," *N. A. M. Bulletin*, 1926, p. 19, 20, *Proc. N. A. M.*, 1911, p. 105-112; 1914, p. 57-67.

⁹Schwedtmann, F. C. V. and Emery, James A., *Accident Prevention and Relief*; *Proc. N. A. M.*, 1911, p. 69.

¹⁰*Proc. N. A. M.*, 1916, p. 4-9.

¹¹*Ibid.*, 1914, p. 64-67.

exhibited by the Association,¹² as well as lectures delivered by its officers on the subject.¹³ It has cooperated with safety organizations, and joined other employers' associations in the formation of the Conference Board on Safety and Sanitation.¹⁴ The Association has urged upon all directly connected with industry the idea that the preservation of industrial good will is far more essential to safety than any physical appliances installed.¹⁵

HEALTH AND INSURANCE

The number of accidents is inseparably connected with the health of the workers. Little attention was given to the latter by the National Association of Manufacturers, however, until 1910 when the Committee on Industrial Indemnity Insurance prepared a report on the subject.¹⁶ The work of this Committee was prompted in part by certain state legislation distasteful to the Association; social control having become so detailed in its regulation as to stipulate "the exact degree of temperature at which factories shall be kept during certain months of the year and making the violation a misdemeanor."¹⁷

The report of the Committee on Industrial Betterment, Health, and Safety in 1920 referring to state insurance as "one of the vicious German ideas yet existent in this country" is clearly indicative of the Association's attitude.¹⁸ The position of American labor regarding social insurance legislation has been unsettled. Health insurance has been repeatedly endorsed by some twenty state federations and was favored by William Green while acting as Secretary of the United Mine Workers,¹⁹ but the National Civic Federation passed a resolution in 1917 declaring

¹²*Ibid.*, 1912, p. 51; 1916, p. 299; 1918, p. 11-13; 1919, p. 26.

¹³*Am. Ind.*, December 10, 1911, p. 41; October, 1914, p. 26

¹⁴*Ibid.*, July, 1911, p. 12-17; May, 1913, p. 24-25; November, 1914, p. 24, 25; *New York Times*, June 26, 1913, p. 4.

¹⁵*Preventive Appliances*, January, 1913, p. 1; cf. *Proc. N. A. M.*, 1916, p. 214

¹⁶*Proc. N. A. M.*, 1910, p. 290, 291.

¹⁷*Ibid.*, p. 290

¹⁸*Ibid.*, 1920, p. 77, 86

¹⁹"Health Insurance Official Endorsement," *New York State Federation of Labor Bulletin*, 1918, p. 15; same, "Ninth Report of Commission on Health," 1920.

that "compulsory health insurance is strongly opposed by organized labor, which rightfully considers such a measure to be a menace to its economic interests and a needless interference with its personal freedom."²⁰

Until organized labor takes a more positive stand in favor of social insurance there is little chance of its general adoption, particularly in the face of opposition from the manufacturers. For the last decade, however, universal health insurance for workers has been engaging the serious attention of many people.²¹ Investigations during this period, prompted in part by Germany's experience with compulsory health insurance, have been conducted by various state and municipal commissions, and by the United States Department of Labor.²² In conformity with this general interest and the competitive necessity of making manpower more efficient in industry, the National Industrial Conference Board prepared several studies on the health of workers.²³ A series of publications was issued under the title "Hours of Work as Related to Output and Health;" a separate bulletin being prepared on each of several industries, such as boots and shoes, metal trades, wool, silk, and cotton. The Committee on Industrial Betterment, Health and Safety of the National Association of Manufacturers, in rendering its final report in 1922, expressed its disapproval of sickness and old age insurance, condemning it as "unnecessary and unwise" and "unsound economically, placing an unknown burden upon the healthy." The Committee advocated health surveys in the place of sickness insurance, with the ultimate aim of reducing and preventing sickness.²⁴

²⁰Stone, N. I., "Compulsory Health Insurance Legislation," *National Civic Federation Review*, February 15, 1919, p. 5.

²¹"The Need for Health Insurance in America," *American Association for Labor Legislation Bulletin*.

²²"Mortality from Respiratory Diseases in Dusty Trades," *Bulletin of the United States Bureau of Labor Statistics, U. S. Department of Labor, No. 231*, 1918.

²³"Cost of Health Supervision in Industry," *National Industrial Conference Board Bulletins*, 1917; "Sickness Insurance or Sickness Prevention," 1918; "Is Compulsory Health Insurance Desirable?" 1919; "Health Service in Industry," 1921.

²⁴*Proc. N. A. M.*, 1922, p. 8.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION

The common law relating to employers' liability developed during the handicraft stage, and centered around the problem of fixing the responsibility for injury upon the injured worker, a fellow worker, or the employer. It was based upon the individualism of the eighteenth century. While American legislators and jurists have long adhered to the common law principle emphasizing property rights, European law-makers have developed a more social viewpoint in making compensation to injured workmen a part of the cost of industrial operation. Under the common law the employer has been held responsible for injury of a workman only in case he has been guilty of negligence. By an appeal to one or more of four important defenses the employer has usually been able to place the burden of the accident upon the worker and his family. These defenses are, first, the fellow servant doctrine, whereby the employer is released from liability because of the negligence of a fellow employee; second, the doctrine of contributory negligence, which places all responsibility upon the injured person if he be partially to blame for the accident; third, the doctrine of occupational risk, a doctrine based upon the idea that the worker assumes the ordinary risks of the employment in which he engages; and fourth, the doctrine of assumption of risk, whereby the employer seeks to free himself from liability by means of the defense that the injured workman has "assumed" the risk of a particularly hazardous undertaking. This risk differs from the ordinary hazard of an occupation, in that it is an abnormally dangerous task assumed by the worker in full knowledge of its nature. Under the system of employers' liability, the injured worker had recourse only through the courts, in case an agreement could not be reached outside of the court.²⁵

The American Federation of Labor sponsored in Congress the passage of employers' liability acts in 1907 and 1909²⁶ in the hope that these laws would correct the system of employers' liability

²⁵Cf. Carlton, F. T., *The History and Problems of Organized Labor*, p. 360-366; Commons and Andrews, *Principles of Labor Legislation*, (Revised Edition, 1927), p. 426-431.

²⁶"Legislative Achievements of the American Federation of Labor," *American Federation of Labor Bulletin*, p. 7, 8.

which had not thus far reduced the number of accidents, and which neither fixed with certainty responsibility for accidents through expensive litigation, nor prevented increased friction between employers and employees. Because of these defects, the employers' liability system has given way in the United States to workmen's compensation. Evidently in imitation at first of the British Act of 1880, compensation legislation has been urged continuously by the Federation and its constituent bodies.²⁷ After a quarter of a century of such agitation, the first federal act was passed by Congress in 1906,²⁸ and five years later the first effective state laws were secured.²⁹ This vigorous movement could not pass unnoticed by the National Association of Manufacturers, concerned so vitally as it was by the issue, and in 1910 its position was stated by Mr. Emery in a lecture on "Legislative Facts and Tendencies." Speaking of the increased consideration given the subject of employers' liability in several states and in Congress, he said:

It is well established that the general power to fix the relation of master and servant, in the present state of our law, is one of a domestic nature resting entirely with the several states.³⁰

The Association's chief counsel could discover no justification for Congressional action in the matter of workmen's compensation outside of the District of Columbia and the federal territories, nor would he admit that the Supreme Court's recognition of the power of Congress to fix employers' liability in interstate commerce was justified in the light of the "general opinion of the Bar."³¹ While recognizing the right of any state to regulate the relation between master and servant, Mr. Emery criticized any system of indemnity framed by statute as compared with the meritorious system of voluntary indemnity.³² In fact, he chal-

²⁷"Decisions of Courts and Opinions Affecting Labor," *Bulletin of the United States Bureau of Labor Statistics, U. S. Department of Labor, No. 344, 1922, p. 12-47.*

²⁸The federal compensation law of 1906 applied only to government employees in the Philippines.

²⁹These laws were passed in California, New Jersey, Washington, and Wisconsin.

³⁰*Proc. N. A. M., 1910, p. 124.*

³¹*Ibid.*

³²*Ibid., p. 131.*

lenged the power of a state to compel the employer to accept a liability as great as that which he believed the employer would by voluntary agreement assume.³³ He argued that a voluntary system of indemnity "does not deprive the injured workman of his remedy at law, but would merely compel him to elect, after a liability had been created, the acceptance of a fixed compensation or the pursuit of damages by litigation . . . such a plan does not under any circumstances lessen the employer's liability or diminish the employee's right . . . The strength of such a system lies in its simplicity. Its innate fairness and the speed with which it adjusts claims can alone maintain it."³⁴ President Kirby agreed with the Association's Counsel, but in view of the legislative progress made by the proponents of workmen's compensation up to 1911 he then urged the manufacturers to interest themselves "in the matter of shaping legislation, to the end that justice may be done to all parties interested, rather than sit idly by and permit it to follow a course in which there is neither justice nor reason."³⁵

Acting upon this advice from its leader, the National Association of Manufacturers has since been aggressive in guiding compensation legislation, thus seeking to forestall undesirable laws.³⁶ To this end the Association, after sending representatives to European countries to study compensation laws and their practical workings under the various systems there,³⁷ prepared extensive studies on their findings,³⁸ together with a model workmen's compensation act.³⁹ Other research reports have appeared in recent years.⁴⁰ In 1911 the Association recognized "the joint responsibility of employer and employee for all preventable acci-

³³*Ibid.*, p. 130

³⁴*Ibid.*, p. 131.

³⁵*Ibid.*, 1911, p. 71

³⁶*Am Ind.*, April, 1913, p. 16.

³⁷*Proc N. A. M.*, 1911, p. 69.

³⁸"Digest of Workmen's Compensation Laws," *N. A. M. Bulletin*, 1912, 1913

³⁹"Model Workmen's Compensation Act," *N. A. M. Bulletin*, 1912.

⁴⁰"Workmen's Compensation Acts in the United States—The Legal Phase," *National Industrial Conference Board Bulletin, Research Report No. 1*, April, 1917, revised August, 1919; cf. Blanchard, R. H., *Workmen's Compensation in the United States*, 1926.

dents," and declared that "both should jointly meet the compensation expenditures."⁴¹ In 1914 the Committee on Accident Prevention and Workmen's Compensation found pride in its attainments, and the influence of its model law. The report stated that at first "not a solitary valid workmen's compensation law was in operation" while in 1914 "twenty-five states have such laws."⁴² The Committee on Industrial Betterment, Health, and Safety rendered a detailed report in 1920 on the relative efficiency and economy of various systems of workmen's compensation,⁴³ and in 1922 epitomized the Association's stand on the problem of compensation insurance thus:

The theory of compensation for accidents received in industry under the general heading is sound . . . That compensation for accidents in industry has gone a long way toward alleviating unrest is well known to us all. There are dangers, however, in compensation insurance which have to be faced. Among these we might mention malingering and the endeavor of the injured to magnify his injury so as to receive compensation far beyond what he is justly entitled to . . . However, the benefits far outweigh its dangers and your Committee feels that compensation insurance should be welcomed and efforts made to wisely control it in every state.⁴⁴

All but five states of the Union and the District of Columbia now possess workmen's compensation laws.⁴⁵ Under the staunch support of the American Federation,⁴⁶ and the persistent efforts of the American Association for Labor Legislation,⁴⁷ the Longshoresmen's Accident Compensation Act was passed in 1927⁴⁸ in the face of opposition from the National Association of Manufacturers and the National Industrial Council, a member of the latter, the Illinois Manufacturers' Association, expressing that opposition thus:

It is feared that if this bill be passed, the high rates it establishes, much in excess of those provided for in any state law, will be used as

⁴¹"The Nation's Industry in Convention," *N. A. M. Bulletin*, p. 19.

⁴²*Proc. N. A. M.*, 1914, p. 62.

⁴³*Ibid.*, 1920, p. 72-79.

⁴⁴*Ibid.*, 1922, p. 7.

⁴⁵These five states are Arkansas, Mississippi, Florida, North and South Carolina.

⁴⁶*Proceedings of the American Federation of Labor*, 1926, p. 70, 88, 248.

⁴⁷"Standards for Workmen's Compensation Laws," *American Association for Labor Legislation Bulletin*, 1927, p. 2.

⁴⁸S. 3170 and H. R. 12063 (1927).

an argument for a federal compensation bill which will be enforced in all states and greatly increase workmen's compensation allowed factory employees.⁴⁹

INDUSTRIAL EDUCATION

With the exception of the act creating the Federal Board for Vocational Education in 1917 there have been few, if any, measures favored by the American Federation of Labor which have not been opposed by the National Association of Manufacturers. It cannot, however, be claimed that measures are rejected merely because they are approved by the Federation.⁵⁰ Little difference can be discovered in the attitudes of the conflicting bodies on the subject of industrial education. Both have urged the establishment of publicly supported trade and industrial schools, and have pleaded for federal appropriations to aid industrial education.⁵¹ The importance of a nation-wide system of industrial education was first recognized by the National Association of Manufacturers at its 1900 Convention in Boston. The key note of the Convention was a discussion of this need, which resulted in a resolution advocating "the establishment of free public commercial and technical schools, or commercial and technical departments in high schools, colleges, and educational institutions, with comprehensive courses of study."⁵² A Committee on Industrial Education was appointed in 1904,⁵³ and again in 1909 the annual convention was given over largely to the problem of better training of the Nation's youth in order to meet successfully the competition of other nations whose educational systems were in advance of our own. The Association voted to gather statistical information showing the need for more extensive industrial training in our schools and to ascertain methods which have proven

⁴⁹A circular letter from John M. Glenn, Secretary, Illinois Manufacturers' Association, June 29, 1926.

⁵⁰*Proc. N. A. M.*, 1915, p. 10.

⁵¹*Revolutionary Radicalism: Report of the Joint Legislative Committee Investigating Seditious Activities*, filed April 24, 1920, in the Senate of the State of New York, Part II, Vol. IV, p. 3147, 3148, 3346 et seq., 3435 et seq.; *Proc. N. A. M.*, 1908, p. 115; 1916, p. 215; 1920, p. 86-106, 109; *Am. Ind.*, October, 1920, p. 25, 28, 29, cf. Carlton, F. T., *op. cit.*, p. 534.

⁵²"The Nation's Industry in Convention," *N. A. M. Bulletin*, p. 12.

⁵³*Proc. N. A. M.*, 1904, p. 34.

successful at home and abroad.⁵⁴ The action resulted in the preparation of several bulletins for the Educational Literature Series of the National Association of Manufacturers.⁵⁵

The Association, in addition to its advocacy of increased facilities for vocational training in public schools, has continuously urged the manufacturer to make his shop a training school.⁵⁶ Vestibule schools were recommended as a means of reducing labor turnover;⁵⁷ and during our participation in the War, members were encouraged to employ and train women and disabled soldiers to meet the shortage of skilled labor.⁵⁸ The Association has cooperated with the Federal Board for Vocational Education in getting the physically handicapped back into industry, and in the various phases of the Board's program of rehabilitation.⁵⁹ Industrial education is considered by the manufacturer as a vital factor in checking radical tendencies among workers, as well as a means of rapidly inoculating the immigrant with our national ideals.⁶⁰ Large sums of money have been expended by the National Association of Manufacturers in its extensive efforts to promote vocational education. During the War and immediate post-war period, the cooperation of employers and employees was enlisted through lectures and moving pictures in thousands of shops operated by Association members.⁶¹

EMPLOYEE REPRESENTATION

Industrial Democracy, a term evidently coined by Beatrice Webb in 1897,⁶² has been used to convey the thought of employee representation, but under such a variety of methods that the

⁵⁴"The Nation's Industry in Convention," *N. A. M. Bulletin*, p. 16.

⁵⁵*N. A. M. Bulletins*, "The Next Step in Education," 1909; "Industrial Education as an Essential Factor in Our National Prosperity," 1909; "Industrial Education," 1911; "Industrial Education," 1912; "Industrial Education," 1913; "Vocational Education," 1915; "Industrial Education," 1916.

⁵⁶*Proc. N. A. M.*, 1919, p. 44-51, 107.

⁵⁷*Ibid.*, 1918, p. 50-54.

⁵⁸*Ibid.*, p. 43, 50-56, 198-200.

⁵⁹*Ibid.*, 1920, p. 79, 86, 297, 300; *Am. Ind.*, September, 1920, p. 9.

⁶⁰*Am. Ind.*, December, 1919, p. 18; October, 1920, p. 22, 23.

⁶¹*Industrial Relations, Final Report and Testimony, U. S. Commission on Industrial Relations*, p. 725.

⁶²Webb, Sidney and Beatrice, *Industrial Democracy*, 2 vols., 1897.

words now fail to indicate any distinct industrial relationship. President Pope of the National Association of Manufacturers recognized in 1914 the futility of purely militant methods in the Association's attempt to combat American unionism, and sought to establish employer leadership over labor groups.⁶³ The movement was greatly augmented during and after the War, under government encouragement, when shop committees sprang into existence. These "shop committees," "works-councils," "industrial councils," or "company unions," as these organizations are variously known, were made supplementary to unionism by the War Labor Board and the Shipbuilding Labor Adjustment Board.⁶⁴ Shop committees were organized, however, in large numbers during the War in industries where the workers had no organization of their own. The plans of organization involved the election of committees by the workmen to meet similar committees representing management and to discuss matters of common interest. A considerable number of employers, when driven to make concessions to the idea of collective bargaining, grasped at the shop committee plan, since it bore desirable marks of having been initiated by either employer or governmental authority, and thus was dependent for existence upon power other than that of organized labor. In 1926 the National Industrial Conference Board reported 913 examples among American industries, including oil, rubber, metals, textiles, meat packing, electrical supplies, farm machinery, and railroads.⁶⁵

As early as 1919 the movement had progressed to the point where the National Association of Manufacturers found it necessary to take a definite position upon the issue.⁶⁶ In the final report of the Committee on Industrial Betterment, Health, and

⁶³*Proc. N. A. M.*, 1914, p. 4-15; *Am. Ind.*, December, 1916, p. 15.

⁶⁴"Whitley Committee upon Joint Industrial Councils," *Bulletin of the United States Bureau of Labor Statistics*, U. S. Department of Labor, No. 255, 1919, p. 18, 19, 33, 173; Wolfe, A. B., *Works Committee and Joint Industrial Councils, Report to U. S. Shipping Board*, 1919, p. 134 et seq.; Douglas, Paul H. and Wolfe, F. E., "Labor Administration in the Shipbuilding Industry During the War," *Journal of Political Economy*, Vol. XXVII, 1919, esp. p. 163, 164.

⁶⁵"The Growth of Employee Representation in the United States," *National Industrial Conference Board Pamphlet*, 1926.

⁶⁶*Proc. N. A. M.*, 1919, p. 10 et seq.

Safety, rendered in 1922, employers were censured who, having established and operated works-councils successfully, had dissolved these councils upon entering the period of depression, after they had "served their purpose" in the days of prosperity. The fear was expressed that such action must lead to trouble in the future. But with equal emphasis the Committee voiced its disapproval of "the radical departure made by some companies in placing employee representatives on the board of directors." The reasons stated for this disapproval were, first, the inability of the employee to fill satisfactorily such a position due to lack of executive experience; second, his natural bias and favoritism with respect to labor's interests; third, the uncertainty of his tenure of office due to his normal mobility; and fourth, the conviction that employees generally do not care to be burdened with the details of executive management if their income is regular and sufficient for normal daily wants, and if working conditions are sanitary and pleasant.⁶⁷

Whether or not in the establishment of shop-committee plans the intent has been to insure the supremacy of the management, the tendency has often been in that direction.⁶⁸ Particularly may thus be said with certainty of the earlier proposals, such as that made by the Dayton Employers' Association in 1902, and by Director C. W. Post of the National Association of Manufacturers in 1903.⁶⁹ Today the manufacturers frankly declare profits to be their sole interest in establishing shop committees, since "every activity of this Association . . . must, in the last analysis, be judged by this one standard—does it contribute to the immediate or ultimate profit of the Association members."⁷⁰ The sole question then arises as to how this profit motive may be satisfied. The conclusions of the Employment Relations Committee were that profits might be augmented through better

⁶⁷*Proc. N. A. M.*, 1922, p. 9.

⁶⁸Cf. Douglas, Paul H., "Shop Committees: Substitute for, or Supplement to, Trades-Unions," *Journal of Political Economy*, Vol. XXIX (1921), p. 89-107.

⁶⁹"Plans for Shop Representation," *Reports of the President and Secretary for the year 1901-1902, Employers' Association of Dayton, Ohio*, Post, C. W., "Company Unions," *Protectionist*, Vol. XV (1903), p. 733 *et seq*

⁷⁰*Proc. N. A. M.*, 1926, p. 134.

employee management cooperation, that workers would follow a leader; and that the responsibility lay with each employer of labor to substitute "natural" for "unnatural" leadership, whether through shop committees or otherwise. Employee stock ownership has also been urged as the approach to "social ownership by the only method compatible with American ideals and institutions."⁷¹

Although individual unionists and even local unions have sometimes cooperated in the formation of shop committees, American unions have taken a hostile official position toward the system since it has usually been established in open shop plants, providing no possibility for collective bargaining in the trade union sense, and actually making the shop organization a substitute for trade unionism.⁷² Despite this opposition the shop committee has experienced a phenomenal growth, which challenges American labor to accept it as a factor supplementary to unionism, as has been done in Great Britain, and imperils the very existence of trade unionism through the successful encroachment of a new type of organization.⁷³ On the other hand, organized capital has something to fear in the wide introduction of the shop committee, since it places new powers of leadership in the hands of the workers; and creates by the hand of the employer the foundations for industrial unionism and its philosophy, through the organization of all workers within a plant in one union.⁷⁴

⁷¹*Ibid.*, 1925, p. 218; cf. Carver, T. N., *The Present Economic Revolution in the United States*, *passim*, Lewisohn, Sam, *The New Leadership in Industry*, p. 211-215.

⁷²*Proceedings of the American Federation of Labor*, 1919, p. 249, 250, 302, 303; 1925, p. 33, 34, 230, 1926, p. 77, 286-293; National Industrial Conference Board, *Works Councils*, chapter xii, cf. Stoddard, W. L., *The Shop Committee*, chapter x; Seager, H. R., "Company Unions v. Trade Unions," *American Economic Review*, March, 1923, p. 1 *et seq.*; *Revolutionary Radicalism*, *op. cit.*, p. 4439.

⁷³Cf. Blum, Solomon, *Labor Economics*, p. 329-337.

⁷⁴Cf. Fitch, J. A., *The Causes of Industrial Unrest*, p. 146-151.

CHAPTER VIII

CONCLUSION

The doctrines and policies of the National Association of Manufacturers have a philosophical basis similar to that underlying the restraints laid by the Constitution upon the law-making powers of Congress and of the state legislatures. These restraints constitute the expression of an eighteenth century individualism, and represent the effort to make secure against executive or legislative invasion such rights as were considered essential to the preservation of life, liberty, and property. The strength of the individualistic interpretation of natural rights in modern civilization lies in the body of judicial decisions, based on precedent, which is known as common law. Common law emphasizes the individual,¹ and has become the foundation of our federal and state constitutions. The high regard which the Manufacturers' Association has for our fundamental law, and the faith reposed in the power of that law to serve adequately without amendment, was thus recognized by President Kirby:

We must guard well the sacred temple of our institutions. Emphatically must we insist upon the preservation of the structure of government handed down as a cherished tradition. Never must we forget that government under our Constitution is adequate to express the real needs of our people, and that once we cut the Gordian knot our course will be toward chaos and uncertainty.²

I earnestly hope this Association will realize the great responsibility which rests upon it to move forward steadfastly in the patriotic work of maintaining American liberty and property rights, the corner stones of modern civilization.³

Any factor which might weaken these "corner stones"—liberty and property rights—is looked upon by the Association as a menace to civilization. The right of free contract constitutes the essence of the Association's doctrine. It is to that body the very basis of liberty, yet it is not a fundamental right, like life, liberty, and property, which are protected by specific constitutional guaranties. It is, however, a right which is fundamental

¹Pound, Roscoe, "Liberty of Contract," *Yale Law Journal*, Vol. XVIII (1908-1909), p. 454.

²*Proc. N. A. M.*, 1913, p. 74, 75; cf. Williams, N. B., "Laws and Law-making," *Pennsylvania Manufacturers' Journal*, May, 1926, p. 1.

³*Proc. N. A. M.*, 1904, p. 122.

to the enjoyment of property.⁴ The importance of this right of free contract was recognized by the founders of the Constitution in the proviso that "no State shall pass any . . . law impairing the obligation of contracts."⁵ The buying and selling of labor implies a contract, and any modification imposed upon it by legislation is to the National Association of Manufacturers a restriction of the liberty of contract. The doctrine of individualism, of the natural rights and freedom of man, as embodied in our Declaration of Independence and Constitution, is the doctrine of the Association. Under such a view the only purpose for which power could be rightfully exercised over any member of society, against his will, would be to prevent harm to others. The Association would probably agree with John Stuart Mill that "over himself, over his own body and mind, the individual is sovereign."⁶

The Association's "Declaration of Principles" breathes the spirit of individualism, stands for the rights of private property, and the maintenance of these rights through government control. Any force which endangers these property rights, as defined by the Association, or which endangers the freedom of contract for labor, is considered unconstitutional or unsocial, and worthy of opposition.⁷ Organized labor has been considered such a "force," as is evidenced by the words of President Parry:

Since the principles and demands of organized labor are absolutely untenable to those believing in the individualistic social order, an attitude of conciliation would mean an attitude of compromise with regard to fundamental convictions.⁸

SUMMARY AND CRITICISM OF POLICIES

A detailed summary reveals at least eight of the Association's policies. These policies are: (1) the abstract right of labor to organize, without resorting to either militant action or collective bargaining; (2) the maintenance of the open shop; (3) the protection of property rights, and the interpretation of the right of

⁴Freund, Ernst, *The Police Power*, p. 537.

⁵*Constitution of the United States*, Article 1, Section 10.

⁶Mill, J. S., *On Liberty*, p. 22.

⁷N. A. M. "Declaration of Principles," Section 10; *Proc. N. A. M.*, 1904, p. 17.

⁸*Proc. N. A. M.*, 1903, p. 60.

contract as a property right; (4) opposition to the restriction of output, (5) liberality in admitting immigrants, with due attention given to selection; (6) opposition of boycotts, unfair lists, blacklists, picketing, strikes, or lockouts; (7) condemnation of class legislation; and (8) the demand that organized labor be legally responsible for its acts.

1. It must be noted that with the mere granting of an abstract right of labor to organize the Association has not departed from the common law principle embodied in the doctrine of conspiracy. The central idea of the doctrine of conspiracy is that acts which are lawful when done by an individual may become unlawful when they are the objects of concerted agreement. The question as to whether a labor combination is lawful or unlawful depends upon whether its purposes or its methods are illegal. With the uncertain legal status of boycotts,⁹ picketing,¹⁰ and strikes,¹¹ labor combinations in America are at the mercy of the social theories of the particular court of trial. Since the Association refuses to go so far as to concede the right of primary boycott, peaceful picketing, or strikes, it is less liberal than the courts.

The Association does not object to collective bargaining carried on with organizations similar to company unions or shop committees. It objects strenuously, however, to collective bargaining with trade unions. If one considers, therefore, that the Association not only denounces some of the important practices of unionism which have been generally considered legal by the courts, and also denies to it the exercise of the prime function of collective bargaining, it will be apparent that the assertion of the abstract right to organize is without significance.¹²

2. The fight to maintain the open shop in industry is based upon the property right so sacredly guarded by the possessors of the instruments of production. The employer looks upon labor's attempt to establish the closed shop as a menace to his traditional authority. He cites the Bill of Rights and the Fourteenth Amendment to the Constitution as guaranteeing to him and to

⁹*Gompers v. Bucks Stove and Range Company*, 221 U. S. 418 (1911).

¹⁰*American Steel Foundries v. Tri-City Central Trades Council*, 257 U. S. 184.

¹¹*Iron Moulders' Union v. Allis-Chalmers Company*, 166 Fed. 45.

¹²*Ante*, p. 43, 44, 50, 51.

his employees the right of individual contract. Collective bargaining, which accompanies the closed shop, may be disadvantageous to the employer in the distribution of the product. The property right is then disturbed. The Manufacturers' Association has urged that the welfare of the individual, that is to say his freedom, takes precedence over all other considerations. This view, however, is a narrow one. As our social and economic structure becomes more complex, added attention must be given to the social effect of individual action. Public and private interests are interdependent.¹³ Depression of the standards of workers through unfavorable bargaining may have a deleterious effect upon society. In so far as there is a right of the non-union man to seek work where he will and a right of the employer to employ whom he chooses, there should be a corresponding right of the union man to refuse to work with whomever he chooses and upon whatever terms or conditions he desires.

Moreover, the "open shop" as advocated by the National Association of Manufacturers means either frankly or implicitly an anti-union shop. If the employer be perfectly impartial as regards his employees' affiliations it is impossible to maintain organization in the presence of large numbers of non-union men. In plants operating under union agreement but open to both union and non-union men, the members of the union are likely to object to bearing the entire burden of supporting their organization so long as there are non-union men who pay no dues but who share in the good wages and working conditions obtained through the union's activity. Such an attitude does not appear to be without justification. When, as occasionally happens, the closed union shop is necessary to maintain collective bargaining, a genuine believer in the latter cannot raise any valid objection to the arrangement; unless, indeed, the organization attempts to maintain a monopoly of labor by keeping the union closed. When the National Association of Manufacturers favors the open shop and denounces collective bargaining through trade unions it grants no significant privilege to the union worker. The latter is not likely to maintain union membership and pay dues when his union is denied the privilege of representing him. This

¹³Dacey, A. V., *Law and Opinion in England*, Lecture VI.

analysis leads to the conclusion that the Association's advocacy of the open shop is fundamentally an advocacy of the anti-union shop.

3. The National Association of Manufacturers has characterized freedom of contract as a valuable personal as well as property right. The wage-earner's "property" is considered to be his right to seek an employer and to acquire property in the form of wages, while the employer's "property" is his right to contract for services and operate his business as he desires. The latter individual has sought to protect his property right by use of the injunction. Since the injunction is supposed to be issued only "to protect property from irreparable injury," its extensive use in labor disputes is founded upon the thesis that "business" is property. The United States Supreme Court has upheld this interpretation.¹⁴ The logical outcome of a protection of rights in business, however, would be to enjoin trade competition, since the destruction of the competitor's "property" arising therefrom might be of greater consequence than that occasioned by the acts of unions.

4. Any form of restriction of output, such as opposition to the use of machinery or scientific management, shorter hours, or limiting the number of apprentices, may work a hardship upon all factors in production. The effect of such restriction upon any one factor's income is dependent upon the distribution of the product. The Association's contention that any form of restriction of output reacts unfavorably upon employers and employees alike has merit when applied to the "long run" period. The worker, however, being interested in the "short run" and in his immediate income, opposes the introduction of machinery when it means even a temporary loss of his job. His objection to time and motion study is justified whenever his added productivity does not result in a comparable increase in wages. As to the effect of the shorter work-day and week, it may or may not lessen production, depending largely on the element of fatigue connected with the particular factory process.

5. Urging in general a policy of liberality in admitting the immigrant, the National Association of Manufacturers has shown a certain flexibility of attitude on this problem quite in contrast

¹⁴*Truax v. Corrigan*, 257 U. S. 312 (1921).

to its other policies. It has pointed out our need of the immigrant, who, because of his extreme mobility, could be immediately absorbed into the ranks of the unskilled, thus releasing the American worker for more skilled work. But with the restrictive measures of 1917, 1921, and 1924, the Association has shifted its appeal almost entirely to that of better methods of selection. These proposals are commendable, and it would seem that the manufacturers need never revert to the former policy of opposing restrictive measures, since capital has proven to so large a degree its power to supplant the human factor in many industries. Labor's problem of unemployment has a more deep seated malady than the immigrant tide. Surpluses of labor appear in England as well as in America. The unorganized labor market and fluctuations in production undoubtedly lie at the foundation of the maladjustment.¹⁵

6. The Manufacturers' Association is consistent in its condemnation of the lockout since it condemns the strike. To refuse to grant labor the right to strike, however, is to object to its chief means of defense in case collective bargaining fails. But again, in this position the Association is consistent since it does not sanction true collective bargaining. Both employers and employees have found strikes to be a costly form of adjusting collective agreements. The loss of wages, profits, and production of goods is an industrial waste; small, however, in comparison to the social losses due to the business cycle or even sickness and accidents. The strike is held in reserve by conservative unionists, only to be employed as a last resort. It constitutes the ultimate defense of organized labor, and is justified in so far as "a part of the pay that men get when they never strike at all is due to their ultimate power to do this."¹⁶

Both the strike and the boycott depend for much of their effectiveness upon the support of public opinion, upon picketing, and the use of unfair lists. Employers can disseminate information relative to blacklists, lockouts, and other tactics secretly, since the group is smaller and the relations closer. They can exercise economic pressure upon outsiders, where union coercion is often physical. As a result the employer enjoys a distinct

¹⁵Lescohier, D D, *The Labor Market*, p 16.

¹⁶Clark, J. B., *Problem of Monopoly*, p. 62.

advantage in the use of his weapons, while unionism is hampered by legal restrictions on picketing and on the publication of unfair lists.

7. Class legislation which gives special privileges to the group legislated for deserves condemnation, while that which has as its purpose the reversal by statute of already existing economic disabilities is praiseworthy. The Association's position has not been consistent in its opposition to child labor legislation and the minimum wage law for women, since it has sponsored workmen's compensation acts. Each of these types represents recent attempts toward greater consideration of the general welfare, with less concern for the maintenance of formal equality but an increased desire to establish actual equality. It would seem that the Association was not justified in carrying on its strenuous propaganda against the proposed child labor amendment to the Federal Constitution, particularly in consideration of the character of the arguments employed.¹⁷

Social legislation will develop with increased knowledge of the influence of industrialism upon the life of the worker and upon the life of the entire community. The modern community no longer attempts to restrict the disease and misfortune of a group to the group itself. The growing conception of social solidarity is one of the most important reasons for the development of the police power which attempts to eliminate certain economic inequalities. The more progressive European nations have supplied worthy object lessons in labor legislation. American employers operating above the margin enjoy this fortunate position partly because of the economy of high wages and good working conditions. Finally, it may be said that effective labor legislation augments the general economic well-being by pulling up the industrial laggard who "sweats" his labor, or by driving out of business those who jeopardize socially desirable standards.

8. The Association's demand that organized labor be held legally responsible for its acts, as are incorporated bodies, is based upon the concept that the militant practices of unionism destroy property and thus constitute a civil conspiracy. Since

¹⁷*N. A. M. Bulletin*, "Why Employers are Opposed to the Twentieth Amendment," February, 1925; "XX Reasons for the Rejection of the Proposed XX Amendment to the Constitution," 1924.

in the case of a civil conspiracy, injury to the plaintiff must be proven before damages can be collected, it is first necessary to show that "business" is property.¹⁸ When the courts grant this, as they have in several notable instances,¹⁹ the injunction is the logical instrument of remedy. Through the imposition of damages or the imprisonment of labor leaders, strikes and boycotts are crippled and labor's defense breaks down.

Labor's difficulty lies in the courts' extension of the conception of property rights from the idea that "property is either a product of nature or the results accomplished by labor"²⁰ to the idea that the right to do business is a property right. Justice Brandeis declared in a dissenting opinion in *Truax v. Corrigan*²¹ that the employer's "right to carry on business—be it called liberty or property—has value; and he who interferes with the right without cause renders himself liable. But for cause, the right may be interfered with and even be destroyed. Such cause exists when, in the pursuit of an equal right to further their several interests, his competitors make inroads upon his trade, or when suppliers of merchandise or of labor make inroads upon his profits." It would appear that labor's militant acts are "for cause" in pursuit of its right, along with competitors, to make inroads upon profits. If "business" be protected as a property right, and unions held responsible for injury to the same, injunctions should be equally applied to restraining the blacklist and the lockout. This principle is, by inference at least, granted in pronouncements of the National Association of Manufacturers.

SUMMARY AND CRITICISM OF METHODS

The labor policies of the Association, constituting a definite settled attitude toward industrial relations, are vitalized through certain methods of procedure. The methods employed by the manufacturers are: (1) propaganda through the school, the church, the press, the state, and industry; (2) endorsements and

¹⁸ *Ante*, p. 162-164.

¹⁹ *Loewe v. Lawlor*, 208 U. S. 274 (1908); *Lawlor v. Loewe*, 235 U. S. 522 (1915); *Gompers v. Bucks Stove and Range Company*, 22 U. S. 418 (1911); cf. Hoxie, R. F., *Trade Unionism in the United States*, p. 234.

²⁰ Frey, J. P., *The Labor Injunction*, p. 41.

²¹ *Ante*, p. 164.

condemnations of political candidates and party platforms; (3) legislative activities including the lobby; (4) humanitarianism, as exemplified in protection from accidents, workmen's compensation insurance, and vocational education; and (5) advocacy of certain systems of employee representation and stock ownership.

1. The National Association of Manufacturers, in its resort to the various means of propaganda, is acting wholly within the constitutional guarantee of freedom of speech and of the press.²² Democracy is founded upon freedom of expression. Though society may undertake to regulate individual expression, it is probable that the best way to combat either revolutionary or reactionary ideas is to meet them with opposing ideas.²³

2. The problem of the adjustment of class conflicts resolves itself into a political problem, that of getting elected or appointed to office law-makers who will be guided by a rational social purpose. Labor is just as aggressive in its attempt to attain this goal through endorsement or condemnation of political candidates and platforms as is the National Association of Manufacturers. Each has an equal right to condemn or approve, and to win the support of the electorate.

3. It is the settled opinion of good authority that any individual or any association of individuals interested in legislation has the right to present arguments before a committee, or to appeal to a legislator personally, and "by education and argument seek to convince his judgment and his conscience."²⁴ The National Association of Manufacturers cannot be justly criticized because of the extensive use of this method, which includes "proper" lobbying.²⁵ That the Association resorted to certain phases of "improper" lobbying prior to 1913 seems evident from the congressional investigation of that year.²⁶

4. In a survey of the constructive work performed by the Association, one finds it leading in the movement for accident pre-

²²*Constitution of the United States*, Amendments, Article I.

²³*Ante*, p. 81.

²⁴Report of Select Committee of the House of Representatives appointed under House Resolution 198, "Charges Against Members of the House and Lobby Activities," 63d Congress, 2d Session, *House of Representatives, Report No. 113*, p. 24.

²⁵*Ante*, p. 110.

²⁶*Ante*, p. 113-117.

vention and workmen's compensation. Its advocacy of health surveys in the place of sickness insurance—prevention instead of cure—is hardly subject to criticism in consideration of labor's inert attitude and little social consciousness of the need. The common support of vocational education by the Association and organized labor is commendable. While it is true that humanitarian and economic interests cannot be dissociated, this fact should not blind one to the benefits which accrue to labor through industrial betterment projects sponsored by capital.

5. Upon the problem of employee representation, the National Association of Manufacturers has shown exceptional power to readjust its methods—not principles—to conform to recent tendencies. With the phenomenal growth of shop committees in the period following the War, each manufacturer was encouraged to act as he deemed wise in the adoption or rejection of the system. The fundamental principle that "employers must be unmolested and unhampered in the management of their business"²⁷ is still maintained in the Association's opposition to the placing of employee representatives on boards of directors.²⁸ Profit sharing is thought by some to be paternalistic, and employee stock ownership is likewise condemned as destructive to the solidarity of unionism. These, however, have served to awaken the worker's interest in increased production, and thus possess merit. Yet, these devices will not fully satisfy workmen who demand responsible powers commensurate with their intelligence. An effort must be made not only to remove the conscious discontent, but to give the workingman an opportunity to develop his latent powers through a real share in the responsibilities of industrial management.²⁹

ACHIEVEMENTS

Measurement of the achievements of the National Association of Manufacturers is uncertain, and at the best but an estimate. The degree to which the Association influences legislation and American thought cannot be ascertained through statistical pro-

²⁷N. A. M. "Declaration of Principles," Section 6.

²⁸*Ante*, p. 157, 158.

²⁹Cf. Brandeis, L. A., "The Preferential Shop," *Human Engineering*, April, 1912, p. 179.

cesses. Organized labor recognizes the power of its opponent to obstruct labor legislation and mold public opinion.³⁰ Various attempts have been made to measure the effect of this power upon labor and society in general.³¹ The Association itself has enumerated its achievements.³² Its political activities have certainly had their influence. These activities have without doubt aided materially in an extended use of the injunction in labor disputes; in making unions and their members more nearly responsible for acts of the union; in holding labor under the ban of the anti-trust acts; in destroying the possibility of an effective boycott or picket, and in weakening the legal status of the strike; in the maintenance of the open shop in many industries, particularly in coal fields where independent producers have been patronized; in the obstruction of certain labor legislation and constitutional amendments; in sponsoring workmen's compensation laws and provisions for health, safety, and vocational education; in the making of party platforms; and in influencing the courts in their endeavor to protect "constitutional liberties."

In considering the other aspect of the Association's activities, that of propaganda, its achievements are less concrete. Appeals are made to the masses in the endeavor to gain approval or disapproval of legislative and judicial acts, which have been sponsored by a minority propertied class.³³ The degree to which public opinion is influenced cannot be determined. There is reason to believe, however, that upon an issue of universal concern, such as the proposed Twentieth Amendment to the Constitution, Association propaganda has produced a discernible effect. On

³⁰*American Federation of Labor History, Encyclopedia, Reference Book*, Vol. I, p. 298-300.

³¹Marcosson, I. F., "Labor Met by Its Own Methods," *World's Work*, Vol. VII, January, 1904, p. 4309-4314; Baker, R. S., "Organized Capital Challenges Organized Labor: The New Employers' Association Movement," *McClure's Magazine*, July, 1904, p. 279-292, Hoyt, H. W., "Manufacturers' Associations, Labor Organizations, and Arbitration," *Engineering Magazine*, May, 1900, Vol. XIX, p. 173-176; Wright, P. G., "Organized Labor and Organized Business," *Quarterly Journal of Economics*, Vol. XXIX, p. 235-261.

³²*Proc. N. A. M.*, 1926, p. 63, 64, 71; 1910, p. 105, 106; "The Nation's Industry in Convention," *N. A. M. Bulletin*, p. 67.

³³Cf. Ireland, Alleyne, *Democracy and the Human Equation*, *passim*, esp. p. 67, 116, 194, 225.

questions involving the practices of unionism, it is probable that less can be accomplished through propaganda, since the appeal to the public is not so general. Therefore, since direct influence upon legislation is more certain and immediate in its effect, the National Association of Manufacturers has probably achieved most through its political activities.

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GUIZOT IN THE EARLY YEARS OF THE ORLEANIST MONARCHY

By

ELIZABETH PARNHAM BRUSH, Ph.D.

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PREFACE

The Period of the Restoration and of the Orleanist régime in France has been largely neglected by American historians. Between the stirring events of the Revolution and the spectacular exploits of the first Napoleon, on the one hand, and on the other, the dramatic entrance of the Second Republic as prologue to another Bonaparte, the years between 1815 and 1848 have seemed a dull interlude in which the student of politics needs to remember only the fall of the Bourbons, the bourgeois manners of Louis Philippe, and the blind obstinacy of Guizot. But a study of the constitutional monarchy reveals much of interest and not a little to admire in the political as well as in the intellectual sphere. It is the period not only of the Christian reaction, of romanticism, of humanitarian enterprise, of the beginnings of modern historical scholarship, of the dawn of the machine age, of increasing prosperity for some classes and of intensified misery for others, of new schools of economic theory; but also of the working out of parliamentary government and free institutions in the spirit of 1789, of a swelling current of democratic hopes, and of a sinister rehabilitation of Bonapartism.

That Guizot's life was singularly rich in its connections with the thought and action of his times is clearly indicated in the brief biographies by Bardoux and Crozals; and in Thureau-Dangin's great history of the July Monarchy the nature of his political leadership is treated carefully and sympathetically. But not until 1923 did any adequate recognition of his significance appear in the form of a special study. The thick volume by M. Charles H. Pouthas entitled *Guizot pendant la Restauration* is an exhaustive and penetrating treatment; it is soon to be followed by a study of Guizot's early youth, and eventually by others on the years after 1830. There is little available in English on Guizot save the excellent article in the *Britannica*, one or two brief sketches of scant value, and a translation of the little volume on his private life by his daughter, Mme. de Witt.

The following study of Guizot's rôle in the early years of the July Monarchy is of necessity prefaced by a brief treatment of the preceding period; my debt to M. Pouthas will be evident on

every page of my introductory chapter. The subsequent chapters are narrowly political and are based largely on the parliamentary archives and on the published correspondence and memoirs of the period. For a late but precious opportunity to examine the rich collection of unpublished material in the archives of Val Richer—the chateau in Normandy where Guizot spent the last quiet quarter-century of his life—I owe thanks for financial assistance to the American Council of Learned Societies. I am deeply indebted to M. Jean Schlumberger not only for the privilege of consulting the carefully-guarded papers, but for a generous hospitality and a most thoughtful facilitation of my work during my stay under his roof. I wish also to make grateful acknowledgment to Professor Evarts B. Greene, who first suggested to me the possibilities of a study of Guizot, and to Professor Albert H. Lybyer for his unfailing aid and counsel.

The few Frenchmen of the later nineteenth century who admired Guizot thought that he would one day be accorded a just appreciation by his countrymen—that is to say, as they saw it, a high place in the political as well as the intellectual history of his time. But that day they thought to be far distant: democracy could never tolerate the man who had refused to worship it; the sovereignty of the people must be discredited before Guizot could expect justice. And the democrats of nineteenth-century France had indeed the enthusiasm and intolerance of neophytes. They wrote the history of the constitutional monarchy in republican terms. But the historian of the twentieth century is soberly aware of the responsibilities and problems of democracy rather than intoxicated with its promise. He may well exercise less severity toward this man whose faith was essentially liberal even though, seeing in universal suffrage a menace to ordered progress, he fought to stem the tide of democracy. Poor prophet that he was in some respects, Guizot none-the-less foresaw the disillusionments and difficulties which we of the present world are facing. He thought them insuperable where we still believe them something less than that.

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CHAPTER I

INTRODUCTION: BETWEEN TWO REVOLUTIONS

I

In the year of Trafalgar and Austerlitz a youth of eighteen years went from Geneva to Paris to take up the study of law. He took with him a slender purse, a letter of introduction to a prominent Protestant, an eager ambition, very vaguely oriented, and two firm resolutions. One was to keep unspotted from the world and its easy ideas of virtue the "austere habits and pious beliefs" which he had learned from his Protestant mother and his masters at Geneva. The other was to follow steadfastly the course which had been planned for him, although the law seemed to him from the beginning only a humdrum mistress; for his romantic young heart had been seduced by letters and philosophy.¹

François Guizot could not disregard his mother's wishes lightly. He understood too well what a sustaining force her dreams for him had been through the bleak years of her widowhood. On a terrible day in April, 1794, André Guizot, young lawyer of Nîmes, liberal but not Republican, had been torn from his family to die by the guillotine—a victim to Robespierre's excessive solicitude for the Republic. François, then a child of seven, sensitive and passionately sympathetic, had been his mother's confidant. She had "made her sacrifice to God very painfully," and many had been her years of weeping.² The early acquaintance with grief made its inefaceable impression on her son's imagination.³

Sophie Guizot, née Bonicel, had emerged from the valley of her despair with all the gaiety and animation of her youth transformed into sad austerity; her sons were never to know the happy strain in her until it reappeared in her later serene years with her grandchildren. A woman of remarkable moral and intellectual vigor, with a pronounced taste for self-instruction, she had de-

¹Mme. de Witt, *Guizot dans sa famille et avec ses amis*, pp. 13 ff.; letters of Guizot to his mother 20 and 23 November, 1806, *ibid.*, pp. 14-17, 22, 23.

²For Guizot's early boyhood, see *ibid.*, pp. 1 ff., pp. 120, 121; Mme. Guizot *mère* to Guizot 4 Oct., 1840, Bardoux, *Guizot*, pp. 7-9.

³For her life, beside the above, see Véga, *La mère d'un grand homme d'état*.

termined to cultivate the natural abilities of her children. François, the elder of her sons, she had dedicated to his father's profession. Dissatisfied with the schools of France, she had left her father's roof at Nîmes in 1799, and had installed herself in a little house at Geneva where she had contrived by extreme plainness of living to give them the best masters available. They had had lessons in drawing and riding as well as in the various branches of youthful learning, and since their mother was an admirer of Rousseau—her younger son was christened Jean-Jacques—they had learned to work with their hands. Of François's intellectual development there is little record, but he learned German, Italian, and Spanish, as well as Latin; he delighted in literature; and a course in philosophy in his eighteenth year he remembered afterward as the time he "began to live."⁴

For two years after his arrival in Paris in 1805, he seems to have studied conscientiously, to have lived very frugally, and to have been terribly lonely. He poured out his heart in letters to his mother, which reveal by their fervent promises to persevere in the career she had chosen for him how severely he was tempted by another.⁵ He found a friend in M. Stapfer, former Swiss minister to France, and still a resident of Paris, who engaged the studious youth as a tutor for his children and gave him the freedom of his library. After many months the conflict between inclination and duty was happily resolved, for M. Stapfer persuaded Mme. Guizot to consent to an abandonment of law for letters. She preserved a joyful letter of April, 1808, in which her son described the new vistas opening before him.⁶

He succeeded rather better in keeping the other resolution. Poverty, ambition, and a great zest for intellectual adventure preserved him from any serious temptation to deviate from the "austere habits" which were to remain more or less characteristic of him all his life. His "pious beliefs" were fairly liberal from the beginning—Sainte-Beuve describes his religious attitude in 1807 as ardently Unitarian and rationalist⁷—and were in no danger in

⁴For the years at Geneva, Mme. de Witt, *op. cit.*, pp. 10-13.

⁵*Ibid.*, pp. 14 ff.

⁶*Ibid.*, pp. 23, 24.

⁷In his sketch of Pauline de Meulan in *Portraits of Celebrated Women*, p. 371.

the Stapfer household; in the library of his patron he read Kant and Klopstock rather than Condillac or Voltaire.⁸ But he was soon introduced into a world where enthusiastic Christianity of any type and German philosophy were alike alien. M. Suard, editor of the *Publiciste*, who had befriended more than one young writer, took the *petit Huguenot* into that circle where alone in the Paris of the Empire the eighteenth century at its best still survived. In the salons of Mme. d'Houdetot, Mme. de Rumford, and the abbé Morellet, a trio of whom the youngest was seventy-four years old in 1807, the eager youth found a new beauty and delight—the beauty of tolerance and the delight of a perfectly free intellectual atmosphere. As he expressed it long afterward in his *Mémoires*, he learned of them the practice “of that broad justice and that respect for the liberty of others which are the obligation and the essence of a truly liberal mind.”⁹ They indulged in him the enthusiasms they did not share. Suard let him defend Chateaubriand's *Martyrs* in the *Publiciste*.¹⁰ His early fervent religiosity and dogmatism came to seem to him rather crude and naïve in this generously sophisticated *milieu*; and he went through the salutary process of examining and doubting all his opinions,¹¹ but he emerged from the experience without having lost his preoccupation with moral considerations, his firm faith in Christian ethics, or his respect for organized Christianity. He never shared the anti-clericalism of the *idéologues*. His edition of Gibbon published in 1812, with its critical notes embodying a very different judgment of the rôle of the Christian church in European history from that which pervades the pages of the *Decline and Fall*, established not only his erudition, but his connection with the Christian reaction.

To one member of the Suard coterie he ascribed all his life “a dominant part in his intellectual and moral development.”¹² This was the remarkable woman whom he met in 1807 and married five years later. Pauline de Meulan had already won a notable place in the world of letters when Guizot entered upon his novi-

⁸Guizot, *Mémoires*, I, 8

⁹*Ibid.*

¹⁰*Ibid.*, p. 9.

¹¹His own testimony in 1873, de Witt, *op. cit.*, p. 20.

¹²*Ibid.*, p. 49.

tiate.¹³ Born in 1773 of a Parisian family of great wealth and brilliant acquaintance, she had seen her world shattered by the Revolution. At the age of twenty-six, spurred by the need of money, she had discovered her ability to write, and had won remarkable success, first with novels—which Sainte-Beuve praises for their freedom from exaggeration and false sentimentality—and then with critical articles which gave her a high place in current journalism. Confident in her ability to support herself, she had surrendered with insistent generosity to a sister about to be married a modest inheritance of twenty thousand francs. In 1807 her articles for the *Publiciste* were interrupted by domestic misfortune, the strain of which threatened her health. Guizot—his own aspirations not yet released—had admired her from afar. Now he plucked up courage to write her an anonymous letter asking to be permitted to supply articles for her until she could resume her work. She consented after some scruple; their meeting followed, perhaps in M. Suard's salon, and although this is by no means clear, the incident may have served to introduce him to those who became the patrons of his early years as a writer.¹⁴ Guizot, inclined as he was then to be inimical to the eighteenth century rather than to the Revolution, found in Pauline de Meulan precisely the opposite temper: she resented more deeply than he the violence and injustice of the Revolution, although she accepted its social ideals. Each influenced the other, but her influence came first. The characteristics of her writing—raillery, satire, absence of false prudery or sentimentalism—were tonic for his romanticism, for the youthful rigor of his ideas, and for his over-enthusiastic rationalism. "Reason," she said, "is unhappily only for reasonable people."¹⁵ But her fundamental traits were a passionate probity and love of truth, and if her insistence on reality and scorn of pretense were sometimes brusque and disconcerting, her attraction and influence grew with closer acquaint-

¹³For biographical and critical sketches of her see Charles de Rémusat, *Critiques et études littéraires*, II, 57 ff., Sainte-Beuve, *Portraits de femmes*, pp. 214 ff. (English transl., *Portraits of Celebrated Women*, pp. 344-384.) Guizot's own notes on her early life are published in Mme. de Witt, *Guizot*, pp. 36-44.

¹⁴For Guizot's own account of their meeting, see de Witt, *Guizot*, p. 42.

¹⁵Sainte-Beuve, *Portraits of Celebrated Women*, p. 371.

ance. Her association with Guizot Sainte-Beuve declares to have been as romantic as is possible between persons of intelligence and circumspection.¹⁶ The circumspection was probably on her side. They were friends and collaborators in various projects for five years before their marriage in 1812. Their later letters testify unmistakably to a deep and enduring love and a stimulating companionship.¹⁷ He continued to admire her and to lean upon her heavily for advice and aid in his work; she gave up her own writing in 1814 and had six years of comparative leisure—the first in her adult life—but in 1820 she took up her pen again, and with brilliant success. In their later years together she looked more and more to him for courage as her health failed and her hold on life and happiness grew less secure.

The years before their marriage were arduous ones. In 1809 Guizot seems to have undertaken in earnest the burden of self-support; until 1812 he lived precariously by tutoring, by articles for the *Publiciste* and other journals, by translations, and by hack-work. In 1811 he began the publication of the *Annales de l'éducation* in collaboration with Mlle. de Meulan—an enterprise significant of an early interest in education destined to be permanent. In it he enlisted the help of foreign students of the problem, and recognized the importance of its moral and physical aspects.¹⁸ The merit of the periodical¹⁹ and of his edition of Gibbon brought him, shortly before his marriage, an appointment as assistant professor of history in the Faculty of Letters and a most welcome assurance of a modest income. Before he began his course, late in 1812, M. de Fontanes, grand master of the University, divided the chair and made the young man of twenty-four titular professor of modern history with special dispensation of the age qualification.²⁰ Although he was thus a professor of

¹⁶*Ibid.*, p. 370.

¹⁷Their published letters are in the *Lettres de M. Guizot* (ed. Mme. de Witt), and in de Witt, *Guizot dans sa famille et avec ses amis*. Unpublished letters in the archives of Val Richer are cited by Pouthas, *Guizot pendant la Restauration*, *passim*.

¹⁸Pouthas, *op. cit.*, p. 14.

¹⁹See the letter of Lally-Tollendal to Guizot 27 April, 1811, in praise of the project. Guizot, *Mémoires*, I, 384-86.

²⁰This appointment, according to Pouthas, was a move on the part of the clericals to secure a promising recruit. *Op. cit.*, p. 18.

history before he was a historian, his recourse to the sources for the material for his lectures and his critical use of them marked, none the less, the beginning of modern French historical scholarship.

Nothing so far points to politics. Geneva had taught no admiration for Napoleon, and a young liberal who admired the author of *On Perpetual Peace* above all other philosophers,²¹ and who heard in the salons he most frequented a freely expressed criticism of the Empire, had little reason to look to the imperial service for a career. One half-hearted attempt to secure a government appointment for the sake of a living had been unsuccessful, apparently somewhat to his relief.²²

His academic appointment brought him into association with Royer-Collard, dean of the faculty of letters and professor of philosophy, an ardently austere spirit who attracted such gifted young men as Cousin and Jouffroy and the brilliant Charles de Rémusat, and influenced them deeply. He showed Guizot quick friendliness and influenced him to an opposition to the Empire more political and purposeful than that of the eighteenth century drawing-rooms.²³ In the days of the Directory, when he sat in the Council of the Five Hundred, Royer-Collard had declared that for the famous cry of Danton a new one must be substituted: "*la justice, puis la justice, et encore la justice.*" In those same days he had corresponded with the count of Provence, not to conspire for his return, but to keep him informed on the state of France so that when the time came for his return the prince might rise to the stature necessary to reconcile the new France to the old monarchy. "He opened perspectives for me," says Guizot, "and taught me truths that without him I might never have known." One of these perspectives must have been that of a political career; one of the "truths" was that a restored monarchy, rooted in the traditions of France, was the *via media* by which alone the weary nation might escape the dangers of anarchy

²¹See Pouthas, *op cit.*, p. 13, for a citation from an article on Kant in *Annales de l'éducation*, IV, 68.

²²Mme. de Rémusat and Pasquier had exerted themselves on his behalf. Guizot, *Mémoires*, I, 13, 14.

²³*Ibid.*, p. 18.

and despotism. After 1812 Royer-Collard saw the coming of the event for which he had waited. He made Guizot ready for it.

In March, 1814, Guizot, tired, he tells us, of watching passively the unrolling of the terrible drama in which the national fate was at stake, took his Paris-bred wife to Nîmes to visit his mother.²⁴ They were impressed on the journey by the young conscripts marching dejectedly to the army, by the stream of sick and wounded men returning home, by the contradictory attitudes toward the Emperor, cursed by some as the author of their woes, extolled by others as the defender of the nation against the detested foreigner. In May an urgent letter from Royer-Collard recalled them to the capital, and a few days after their arrival Guizot was appointed secretary-general in the ministry of the Interior under the abbé Montesquiou, to whom he was then unknown. In the dearth of trained administrators who were not imperialist in their sympathies, Royer-Collard's recommendation had been enough.

Thus a young "intellectual," not yet twenty-seven years of age, without previous experience in politics or administration, found himself secretary-general of the most important department in the new government, with an easy-going chief who loved power less than the aristocratic leisure to which he had been accustomed; who like the rest of the ministry, save Talleyrand and Baron Louis, was virtually as unprepared for his task as was his subordinate. Guizot brought to the association with the old abbé that combination of unstudied deference and youthful eagerness which had attracted Royer-Collard and the octogenarians of the Suard coterie. To his task he brought a great capacity for taking pains and an equal willingness to assume responsibility.

Professor Pouthas makes it clear²⁵ that in the course of a few weeks Guizot became the right hand of his minister and that it is difficult to attribute to anything but the young secretary's influence the evolution of the abbé to a relatively liberal position in marked contrast to his part in the formulation of the *Charte* when he had taken counsel merely of his prejudices as a man of

²⁴*Ibid.*, I, 25.

²⁵*Op. cit.*, pp. 32-69. See also the anonymous *Biographie de M. Guizot* (Paris, 1847), p. 7.

the Church and a *grand seigneur*. He was willing in May, 1814, to make such concessions to liberalism—and only such—as good policy seemed to him to dictate. Guizot, who conceived the *Charte* as the foundation of a truly constitutional edifice—a treaty of peace, as he expressed it later, between the Bourbons and the new France²⁶—somewhat naively set about to advise his minister as to what good policy did indeed dictate. His early notes submitted for Montesquiou's consideration²⁷ show that while he did not himself quite understand the essentials of constitutional government, he saw certain errors which the King's advisers were making. Montesquiou may have been impressed by these notes, but his action seems not at first to have been influenced. In June, however, Guizot prepared a memoir of twenty-nine pages²⁸ analyzing the political attitude of France at the close of the Imperial period, and outlining a "veritable program of government" on the basis of identifying the interests of the monarchy and the nation and of winning the confidence of the people that no reaction to privilege was contemplated. This document seems to have made a conquest of the minister, and he took it to the King. Thereupon his eager and persistent secretary suggested that an *exposé* of the state of the realm, based on a study of the reports of local officials, might well be presented by His Majesty's ministers to the Chambers, together with a forecast of the policy contemplated by the Government.²⁹ Montesquiou not only accepted the suggestion and gained the approval of the King, but actually helped his secretary in the writing of the *exposé*. It was a carefully documented analysis of the evils, material and moral, of the Imperial wars, and of the demoralization wrought by a cynical despotism. It did justice to the Revolution in signaling the betterment of the lot of the peasantry and in attributing it to the division of the great estates, and to the abolition of primogeniture. A régime of liberty and peace was envisaged as necessary to repair the damage wrought by war and despotism, and as a guarantee of the gains of the new France. The Minister of the

²⁶*Mémoires*, I, 34.

²⁷*Notes et avis politiques et lettres politiques de moi*, in the archives of Val Richer, *dossiers spéciaux*, Pouthas, *op. cit.*, pp. 36-38.

²⁸Val Richer, *dossiers spéciaux*, *ibid.*, pp. 40-44.

²⁹Guizot, *Mémoires*, I, 42.

Interior read the report in the Chamber of Deputies and one of his colleagues presented it to the Peers, on 12 July.³⁰ It stung certain Bonapartists into angry protest. But Dupont de Nemours wrote to Montesquiou concerning it: "Whatever may be or may have been the woes of a nation and the mistakes of its government, it is not lost when it is spoken to with this frankness and this perfect clarity."³¹

Guizot's part in the labor of preparing and defending the press law of 1814 was a large one, but his attempt to liberalize its spirit was not particularly successful against the ideas of Montesquiou and of Royer-Collard (who had as yet little conception of a free press).³² Guizot and Royer-Collard prepared the bill, and Guizot wrote the *exposé des motifs* for his minister.³³ An anonymous brochure which appeared shortly before the bill was presented to the Chambers,³⁴ and another which came out after its introduction, were from his pen.³⁵ They were attempts to justify the measure to liberal opinion. He accepted clearly the principle of freedom of the press, not as a "natural right," but as sound policy for a government which needed to secure and intended to deserve the confidence of its subjects. He defended the censorship on the same principle, that is, as wise and sound policy under the circumstances of political convalescence. He recognized its arbitrary character and advocated guarantees against its abuse, as well as restrictions on its application. There was nothing doctrinaire about his arguments. In truth the formulation of the principles of freedom of the press was in an early stage, and Guizot was as far ahead of Royer-Collard as Benjamin Constant was ahead of Guizot.³⁶ The latter was frustrated in his desire to give the censorship a temporary aspect, and he earned only the reproach of

³⁰Pouthas, *op. cit.*, pp 44 ff. For the text of the report, *Archives parl.*, XII, 127. (This and all subsequent references to the parliamentary archives are to the "second series")

³¹Pouthas, *op. cit.*, p. 47.

³²He did not progress very far in liberal opinions until after the catastrophe of 1815. *Ibid.*, p. 65.

³³*Ibid.*, pp 48, 49, Pasquier, *Mémoires*, III, 25.

³⁴*Quelques idées sur la liberté de la presse*. Extract from it in Guizot, *Mémoires*, I, 408-15.

³⁵*Sur le nouveau projet de loi relatif à la presse*, Pouthas, *op. cit.*, p. 49.

³⁶*Ibid.*, p. 52.

the liberals, who knew that he had had a part in the drafting of the law, but were ignorant of the moderating rôle he had played. The more reactionary of the King's ministers were, however, alarmed at the dangerous tendency toward liberalism apparent in the department of the Interior; the administration of the censorship was removed from that department and carried out in a most arbitrary spirit by the chancellor, Dambray.⁸⁷ Guizot never exercised the functions of censor, to which he had been appointed by Montesquiou, and had, in consequence, no opportunity to administer the office according to his conception.⁸⁸

Interesting because illustrative not only of his liberal influence on Montesquiou and his early interest in the organization of education, but of a conviction maintained throughout his life that France was suffering from over-centralization, is an ordinance reforming the University which was issued shortly before the collapse of the Bourbon government in March, 1815. It was the work of Royer-Collard and Guizot, and was a brave effort to free the authorities of the University from the humiliating régime of subservience to the political power which Napoleon had imposed upon them. This enfranchisement was to be accomplished, and a stimulation of local centers of intellectual life was to be provided, by the establishment of seventeen local universities, each complete and autonomous, with a rector as the local organ of the department of the Interior; a royal council of public instruction and the *École Normale* would constitute the central instruments of unified policy and of training teachers from among the distinguished students sent to Paris by the local universities.⁸⁹

After the secretary-general got his bearings in the administrative confusion of his department—which his chief serenely neglected—he reorganized the bureaus and drew under his own supervision all except the purely technical activities of the ministry. This involved an enormously valuable experience in the art of governing. He was blamed by the Royalists—and doubtless not without cause—with influencing Montesquiou to resist their de-

⁸⁷Pouthas, *op cit*, pp. 52, 53.

⁸⁸*Ibid*, p. 53.

⁸⁹Guizot, *Mémoires*, I, 50, 51; Pasquier, *Mémoires*, III, 71; Pouthas, *op cit*, pp. 60-64. For the report to the Crown and the text of the ordinance, Guizot, *Mémoires*, I, 416-30.

mands for a wholesale removal of local officials in favor of *émigrés*. Late in 1814, when the mistakes of the Government had begun to cause serious popular disaffection, Guizot's circulars to the prefects counseled speedy and impartial administration, and an avoidance of arbitrary measures and *émigré* prejudices.⁴⁰ In the files of Val Richer are preserved the notes Guizot wrote for his minister, urging that the King's Government and the Chambers must act in union in order to prevent the division of public opinion into two irreconcilable factions. Montesquiou, impressed, asked Guizot for advice as to how it could be done; the reply was that a man having at once the confidence of the Minister of the Interior, good relations with the deputies, and acquaintance with the administration of the department, should be especially charged with the task. In December, 1814, a new bureau was created in the department of the Interior, having as its purpose "to assure the relations of the minister with the Chambers"; Guizot was appointed its director!⁴¹

But late in 1814 and early in 1815 the reactionary elements in the ministry were gaining ground and Montesquiou's influence in the Council, although sustained by Baron Louis and Jaucourt, was threatened by Blacas and Dambray. His advisers were finding it hard to sustain the abbé's courage when the return from Elba precipitated his conversion to liberalism.⁴² With the support of Louis and Jaucourt, he secured the convocation of the Chambers and called upon them to save the monarchy, while in the Council he urged a change of ministry, suggesting liberals who would have the confidence of the nation. While his chief acted with unwonted energy in this elevated sphere, Guizot, in his humbler capacity, sent out circulars to the prefects adjuring them to arouse a national war against Napoleon.⁴³ On 19 March Montesquiou thought the game lost and left France for England, whence he wrote an affectionate letter to his deserted lieutenant. "I do not reproach myself," it ran in part, "for the bad turn I have played

⁴⁰This paragraph is a summary of the section in Pouthas, *op. cit.*, pp. 54-58, which is based on official documents, unpublished notes, etc., in the archives of Val Richer, and on correspondence of the period.

⁴¹Pouthas, *op. cit.*, pp. 64-68

⁴²*Ibid.*, pp. 68, 69

⁴³*Ibid.*, pp. 70-75.

you . . . one can do no more than point out to the public the objects worthy of its confidence, and I congratulate myself on having left it a recollection of you not to be effaced . . . May my example serve you in a day to come. Give to public affairs the period of vigor, instead of that time of life which feels only the need of repose; you have at your age time enough to win great honor."⁴⁴

II

On the morning after the midnight exit of the abbé, Guizot resigned his post and returned to his professorship with keen regret for the vanishing prospect of a political career.⁴⁵ But when it became evident to alert spectators that Napoleon's return was but an epilogue, the Royer-Collard group interested themselves in the probable return of the monarchy. They sent a weekly packet of letters to Ghent, students of Royer and of Guizot serving as couriers.⁴⁶ Suspecting the *émigrés* of conspiring to make a second Restoration the occasion of a complete triumph for themselves, and hoping to circumvent such designs, they decided in May to send an emissary to Louis XVIII to see what could be done by a personal interview toward persuading him to dismiss Blacas and recall Talleyrand.⁴⁷ Guizot was selected to go, as the youngest and most disengaged of their number. The enterprise required courage and involved sacrifice; he could not expect to return to his wife, who was expecting confinement in a few weeks, until the final curtain should fall on the Imperial adventure.⁴⁸

He got out of France with unexpected ease. On reaching Ghent, he found from Jaucourt that the worst fears of his friends as to the designs of the Ultras had been well-founded. Hanging for the Constitutionalists, Siberia for the purchasers of national lands!⁴⁹ He had a brief and disappointing interview with the old

⁴⁴31 March, 1815. Cited by Guizot, *Mémoires*, I, 405.

⁴⁵*Ibid.*, p. 59.

⁴⁶Pouthas, *op. cit.*, p. 78.

⁴⁷With whom, as Guizot says, none of them had personal relations and whom most of them disliked. *Mémoires*, I, 82.

⁴⁸De Witt, *Guizot*, p. 51.

⁴⁹For the details of the trip to Ghent, the chief source is the series of letters to Mme. Guizot during their separation. Val Richer, *Correspondance*, cited by Pouthas, *op. cit.*, 84-95, *passim*. Some of them are published in de Witt, *Guizot*, pp. 51 ff.

prince on the first of June. He talked to Blacas himself, whom he had come to warn Louis against, to the ambassadeurs, and to other worthies in the royal *entourage*. He passed several dismal weeks at an inn which suited his purse better than his taste, and for days at a time lived in dreadful anxiety when no letters arrived from Paris, but only rumors of disorder and violence. The dreariness was sometimes relieved by dinners with such good companions as Beugnot, Capelle, and Mounier; or on rare fine days, by excursions into the country when Chateaubriand joined them and they talked of everything under the sun except politics.⁶⁰ The agonizing days of mid-June came, and ended with the news of Waterloo, whereat the courtiers rejoiced. But Guizot's heart swelled with pity and rage at the sight of the wounded in the streets of Brussels, and at the thought of how Napoleon had duped the soldiers of France.⁶¹

He returned to Paris in the early days of July, learning on the way of Louis's concession to Wellington of what he had refused to his French counselors of moderation. The letters to Mme. Guizot during the last days of her husband's absence show that his ideas and opinions had been clarified by his experience. He saw that the Government could not be non-partisan, but must fight the *émigré* faction; for his own part he would go into opposition rather than attempt again to serve a ministry whose policy he disapproved, and incur odium for measures he could not prevent.⁶²

Louis XVIII reentered France with a homogeneous ministry of moderate Royalists and with a program announced to the Powers singularly like the one Guizot had recommended to Montesquieu in May, 1814.⁶³ Pasquier, in charge temporarily of two departments, Justice and the Interior, wanted to restore Guizot to his old post but encountered the invincible repugnance of Talleyrand to any continuance of Montesquieu's administration. In consequence, Guizot was appointed secretary-general of the minis-

⁶⁰Beugnot, *Mémoires*, II, 283; Chateaubriand, *Mémoires d'outre-tombe*, III, 504, cited by Pouthas, *op. cit.*, p. 93.

⁶¹Letter to his wife, 22 June, Pouthas, *op. cit.*, p. 95.

⁶²Letters to his wife late June, *ibid.*, pp. 96, 97, 99.

⁶³*Ibid.*, p. 102. The memoir was drafted by Barante, whose association with Guizot dated from the spring of 1815.

try of Justice; for his former place his friend Barante was chosen; both were admitted to the Council of State. The heavy duties of Pasquier, really the directing member of the ministry, caused him to leave to the two under-secretaries the burden of their respective departments.⁵⁴ Not only that; he consulted them on matters of policy.⁵⁵

At his administrative post Guizot resumed the struggle against reaction, sending urgent instructions to the *procureurs-généraux* in the South to present a firm front to the White Terror, and using his influence with Barante to secure energetic measures in his native department of the Gard to protect his co-religionists against the Royalist outrages there.⁵⁶ Pasquier's ordinance reforming the Council of State by returning to the Imperial basis of competence for appointments thereto was followed by a change of personnel—including a preponderant number of experienced Imperial administrators—which outraged the Ultra-Royalists. Guizot seems to have been responsible for the nominations; at any rate, the Ultras thought so.⁵⁷ The Protestant confidant of ministers was ere long to become the *bête noire* of the *émigré* faction.

When the Talleyrand ministry fell as a result of the sweeping Ultra-Royalist success in the fall elections, Pasquier, Louis, Jaucourt, and Saint-Cyr went out. But the Richelieu government was by no means Ultra, and Barbé-Marbois, successor of Pasquier at the department of Justice, was an old friend of Guizot's, a member of the circle of Suard and Madame de Rumford.⁵⁸ Guizot retained his office, and as the only member of his group left in the ministry, became their sole channel of influence upon a Government whose moderate intentions they wished to sustain.⁵⁹ He could do little enough,⁶⁰ but in April, 1816, he was denounced by the Ultras for retaining 2,182 magistrates of the Revolution-

⁵⁴*Mémoires du Comte Molé*, I, 285.

⁵⁵Barante, *Vie politique de Royer-Collard*, I, 162; *Mémoires du Comte Molé*, I, 304, 305, Pouthas, *Guizot*, pp. 103, 104.

⁵⁶Pouthas, *Guizot*, pp. 103-110.

⁵⁷*Ibid.*, pp. 112, 113.

⁵⁸Guizot, *Mémoires*, I, 106.

⁵⁹Pouthas, *op. cit.*, p. 127.

⁶⁰For evidence of his energy see *ibid.*, pp. 116 ff.

ary and Imperial period out of a total of 2,923.⁶¹ In May, the mild Barbé-Marbois was dismissed by Richelieu, and his troublesome secretary-general was displaced by one of the most intolerant Catholics of Nîmes.⁶² This action was, however, rather a sop to the Right than a surrender on the part of the ministry. For at the same time, the entrance of Lainé marked a distinct strengthening of the cause of moderation.

By the spring of 1816 the reactionary rage of the *Chambre In-trouvable* had created the nucleus of a genuine Constitutionalist party. During the preceding winter the followers of Royer-Col-lard and Pasquier had held secret meetings to discuss how they could best use their influence—disproportionate to their number—to oppose the parliamentary majority. The ministry could not have maintained itself without their support and seems on occasion to have solicited their aid against the headstrong Royalists; Guizot, their only member in the Government, was the *liaison* officer.⁶³ After his dismissal, they put another of their number, Becquey, into the department of the Interior as under-secretary. By this time the Count de Serre, eloquent opponent, *émigré* though he was, of Ultra vindictiveness, had joined the Constitutionalists; and Barante had brought Decazes, the able and attractive young Minister of Police, into alliance with them. In the course of the summer of 1816, Pasquier, Guizot, and Barante came to an understanding with Decazes to bring about the dissolution of the Chamber.⁶⁴ Decazes, who was growing in the royal favor, was prime mover in the campaign to persuade Richelieu and Lainé, on the one hand, and the King on the other.⁶⁵ But Guizot had his part in the success of the maneuver. Louis XVIII, in spite of his cold shrewdness, was not easy to convince that he must treat his old friends so ruthlessly. When he seemed about to decide definitely against dissolution, Decazes asked Guizot to write a note for the royal perusal.⁶⁶ This was on 18 August. On the twentieth the document was ready, and was submitted to the

⁶¹*Ibid.*, p. 126

⁶²*Ibid.*, p. 127.

⁶³*Ibid.*, p. 127

⁶⁴*Souvenirs de Barante*, II, 250, 253; Pouthas, *op cit.*, pp. 134 ff.

⁶⁵Guizot, *Mémoires*, I, 148 ff.

⁶⁶Pouthas, *op cit.*, pp. 135, 136.

King with Decazes's final representations.⁶⁷ That night Louis gave way. Richelieu and Lainé had already been won over.

Thus were the Ultras defeated. In the course of the year's struggle Guizot had grown in wisdom and stature and in favor with all moderate men. On the question of how the new Chamber should be elected (in default of an electoral law fulfilling the stipulations of the Charter), he was consulted, and his advice accepted in part.⁶⁸ The elections completed the discomfiture of the Ultras. At the moment of the opening of the new session, he published a pamphlet⁶⁹ which had a great success with the liberals⁷⁰ and was found detestable in Ultra-Royalist circles. When the Countess de Boigne, who had read it with approval, mentioned its author in the presence of her aunt, the lady expressed the feeling of her class by a furious denunciation of that "horrible M. Guizot," and declared that he ought to be hanged.⁷¹

For more than three years after the dissolution of the *Chambre Introuvable*—the happiest years of the Restoration, and indeed of the Constitutional Monarchy—the little group of men who had fought against reaction in the dark winter of 1815-1816, and who, with certain subtractions from and additions to their number, came to be called *Doctrinaires*, were the acknowledged leaders of the Center in the Chamber, the mainstay of the ministers in the liberal aspects of their policy, and their advisers on specific meas-

⁶⁷Guizot's note is in the archives of Val Richer *dossiers spéciaux*, No. 8, pièce No 9. (See Pouthas, 136 ff.) It charged the Chamber with being not Royalist but counter-revolutionary, and declared it to be the obstacle which prevented the King from realizing his desires for the peace, prosperity, and prestige of France. The leaders of the Right represented not the nation but their own personal interests; they were seeking to take possession of the central and local administration to secure their own selfish objects—dissolution was the sole means of thwarting their partisan designs.

⁶⁸Pouthas, p. 134.

⁶⁹*Du gouvernement représentatif et de l'état actuel en France*. See *Mélanges politiques et historiques*, pp. 1-83, under the title *Du gouvernement représentatif en France en 1816*. It exposed the tactics of the Right in appealing to democratic theories, as purely selfish. It defended dissolution as a proper means in the hand of the executive to circumvent such designs.

⁷⁰Rémusat, *Correspondance*, II, 244, 331.

⁷¹*Mémoires of the Countess de Boigne*, II, 178.

ures. In this group Guizot, whose pamphlet in the autumn of 1816 was accounted a sort of manifesto of their political views, took an increasingly dominant and advanced position.⁷² In 1816 and 1817 they were, of course, closely associated with Pasquier and Decazes, with whom they dined regularly on Fridays and Thursdays respectively, and less closely, although habitually, with Molé, who received them every Wednesday at dinner.⁷³ They gathered also in Mme. Guizot's salon, where they mingled with the academic world, and at the house of Broglie, who inherited something of the social rôle of his mother-in-law, Madame de Staël, and who extended his hospitality to liberals of every shade.⁷⁴

When Decazes had to ask the new Chamber to continue for a year the law of October, 1815, suspending guarantees of individual liberty, he frankly called it an exceptional measure, expressed the hope that it would be needed only for a short time, and called attention to the fact that it had been used against the Royalist secret societies. His discourse was written by Guizot, and the comment of a contemporary was that the speech was much better than the law, and in places in contradiction with it.⁷⁵

The electoral law of 1817 was a fulfilment of the promise of the Charter (which had declared that electors for the Deputies should be thirty years of age and payers of direct taxes to the amount of three hundred francs) and a decision on certain vexatious points which the constitutional document had ignored. In

⁷²Pouthas, pp. 140-228. Guizot, *Mémoires*, I, 155-231. Guizot does not claim any such place for himself as Pouthas shows him to have occupied. From contemporary comment on the political situation, it is clear that the group was accounted a powerful factor from the earliest days of the second Restoration. Writing in June, 1819, Charles de Rémusat said "For four years the influence of the Doctrinaires has more or less directly governed the country"—*Correspondance*, VI, 4. And Molé, referring to the months of the Talleyrand ministry, speaks of Barante, Guizot, and their friends as "not less influential perhaps" than the ministers.—*Mémoires*, I, 286.

⁷³Rémusat, *Correspondance*, IV, 77; *Mémoires du Comte Molé*, I, 286.

⁷⁴Broglie, *Souvenirs*, II, 9 ff.

⁷⁵Pouthas, p. 150; *Mémoires du Comte Molé*, II, 57. Guizot describes the position of the Doctrinaires as one of qualified support of the measure, and says nothing about his part in the minister's speech. *Mémoires*, I, 161.

1815 Guizot together with Royer-Collard, Barante, and Molé, had advised Pasquier on a project which had come to nothing with the fall of the Talleyrand ministry.⁷⁶ Late in 1816 the ministry called on them again, and the law of 1817 was their work.⁷⁷ Although the measure was less liberal than Guizot would have had it, his conviction that elections should be direct, that all the qualified taxpayers should exercise the suffrage, and in a single departmental college, prevailed over the scheme of primary assemblies of lesser taxpayers for the choice of electors, and over proposals to give additional weight to taxpayers of more than three hundred francs.⁷⁸ The bill was introduced by Lainé 28 November, 1816, with an *exposé des motifs* which Guizot had written.⁷⁹ He revealed therein the hopes of his group for the future by forecasting an extension of the elective system to the choice of local administrative councils.⁸⁰ The proposal represented the liberal solution of the day: the Left in the Chamber asked nothing more.⁸¹ Guizot anticipated the objections of the Right not only in the *exposé des motifs*, but in articles in the *Moniteur* when the debates took place.⁸² Lally-Tollendal, who reported the project in the Peers, called likewise upon Guizot for aid in preparing his speech.⁸³

There were occasions when this recourse to the pen of Guizot caused some bewilderment in the minds of the unsuspecting. Shortly after the introduction of the electoral project, the same obliging but not too resourceful Lally was requested by the Government to propose a resolution requesting legislation on the subject of ministerial responsibility. He sought help where he had found it before, received it, expressed his thanks in ludicrous

⁷⁶Pouthas, p. 104; *Mémoires du Comte Molé*, I, 305.

⁷⁷Broglie, *Souvenirs*, I, 372.

⁷⁸Molé says that in 1815 Guizot proposed a more democratic scheme, which would seem to have been to reduce the qualifying tax from 300 francs to 200 (see Pouthas, p. 104 n.) but that he, Molé, prevailed against Guizot. Again in 1816, the latter criticised the project as not democratic enough. Molé, *Mémoires*, I, 305; II, 318.

⁷⁹Guizot, *Mémoires*, I, 165.

⁸⁰*Archives parl.*, XVII, 561.

⁸¹Pouthas, p. 149.

⁸²Guizot, *Mémoires*, I, 165.

⁸³Pouthas, p. 149.

effusiveness, and used the borrowed ideas and phrases in a characteristically lachrymose speech, to the amazement and scandal of many of his auditors, who were not in the secret of the source of his radical sentiments.⁸⁴

In January, 1817, the ministry, advancing cautiously in the path of liberalism, recalled Pasquier to the department of Justice. He would have reinstated Guizot as secretary-general had not some of his colleagues feared the effect of defying the Right by the reappointment of a man who had become an "object of aversion for the Ultras."⁸⁵ Pasquier insisted on his being made Councillor of State, and leaned on him heavily for aid in the preparation of projects. Molé found the older man indeed rather ridiculously "docile to the inspiration of Guizot," persuaded at once by the latter to positions Molé had advocated vainly for weeks!⁸⁶ And the Count likewise confided to his journal that Pasquier's speeches were made forceful and passable in diction only through Guizot's revision of them.⁸⁷

In the summer of 1817 the Doctrinaire group became distinct though not complete, for the duke of Broglie was not yet identified with them. They did not constitute a party, but were rather a group of leaders whose political purposes and methods were essentially the same, although there was often difference of opinion among them on detail, and always too much independence to admit of anything like party discipline. They were distinguished from such of their allies as Pasquier, Decazes, and Molé by their interest in the philosophy and ethics of politics. In the words of Guizot, they undertook "to give to politics a sound philosophy, not for sovereign mistress, but as a counsellor and a support." They had at heart "the intellectual honor as well as the good ordering of society," and conceived that in the regeneration of France which was necessary after a quarter-century of revolution and reaction, experience would not be enough for guidance: reason must interpret experience and guide policy.⁸⁸ They regarded the Charter as a product of reason and of the history of

⁸⁴*Ibid.*, pp. 153-154.

⁸⁵Expression in a contemporary letter, *ibid.*, p. 151.

⁸⁶Molé, *Mémoires*, IV, 87.

⁸⁷*Ibid.*, II, 60, 123.

⁸⁸Guizot, *Mémoires*, I, 158.

France and a workable basis for progress; constitutional monarchy they believed to be the only form of government which could preserve the heritage of the centuries while accepting the precious benefits of the Revolution. Political leadership must be lifted into the "intellectual order." There is no doubt that twenty-year-old Charles de Rémusat was expressing the ideas of Guizot, whose ardent disciple he was in these years, when he wrote to his mother in January, 1817, that the uncertain and unsatisfactory political situation "comes from the fact that politics is yet far from being a science or even from being recognized as one, and doubtless ambition and personal interest will yet a long time delay the day when the art of governing society will be established on a philosophic basis, and supported by observation and reasoning."⁸⁹ The political attitude thus indicated, together with the influence they exerted on ministers, and the energy and ability with which they marshaled the army of the Center in support of liberal policies, is sufficient to explain why these men were dubbed "Jacobins" and "pedants" by their enemies. The appellation *doctrinaire* was in derision of their supposedly systematic and theoretical liberalism; in spite of its inapplicability the name stuck, they accepted it with good humor, and used it of themselves from 1818 on.⁹⁰

Given the conditions of the early Réstitution, the Doctrinaires found the danger to their hopes in the attitude of the Right rather than in that of the Left. In a Chamber in which the Center comprised the ministerial majority, the Right a strong and determined opposition, and the Left a small number of Independents, the Doctrinaires were the directing head of the Center; but they took a stand to the left of the ministry, and their influence had a constant tendency in that direction. The Left, powerless in itself, usually marched with them,⁹¹ although their philosophy of the *via media* could not satisfy a thorough-going radical like Voyer d'Argenson. Their peculiar situation with reference to the ministry—leaders of the majority, advisers on policy and legislation,

⁸⁹Correspondance, II, 343.

⁹⁰The *Petit Larousse* defines the term as used during the Restoration as meaning "partisans of political theories of a systematic liberalism."

⁹¹Guizot, *Mémoires*, I, 160.

but not themselves ministers—was a source of weakness for the Government, since it left them free for dissent if measures did not meet their approval. Richelieu did not relish the situation entirely, although he recognized the necessity of their support. On one occasion, when something was requested of him, he said with sarcasm: "It is impossible; MM. Royer-Collard, de Serre, Camille Jordan, and Guizot are not willing."⁸² The journalists of the Left, on the other hand, were sometimes given to raillery at their expense. "They are four"—wrote one of these gentlemen—"but sometimes they boast of being only three, because it appears impossible to them that there are four men in the world of such force; and sometimes they claim that they are five, but that is when they wish to frighten their enemies by their number."⁸³

Royer-Collard and Camille Jordan were the elders of the group. The former, to whom the younger men had deferred since the days when they had sat at his feet at the Sorbonne, was their gravely eloquent voice in the Chamber. But he lacked many of the qualities of leadership on the field of political action, although he had brought his disciples into the battle. He was tormented by scruples, and hence indecisive;⁸⁴ he was temperamentally averse to responsibility.⁸⁵ He changed his mind frequently, but was disposed to treat his opinion of the moment as though it were an "eternal verity."⁸⁶ Guizot had outgrown his tutelage, but continued to feel a deep and affectionate respect for him which was destined to survive many trials. The older man was excessively sensitive to slights, real or imagined, and found it hard to see his one time disciples standing on their own feet. Madame Guizot once ungently called him a "majestic egoist."⁸⁷

Camille Jordan, an orator, and particularly brilliant at improvisation, was politically the least effective of the Doctrinaires, but

⁸²*Ibid.*, p. 197.

⁸³Thureau-Dangin, *Le parti libéral sous la Restauration*, p. 79 n.

⁸⁴Guizot, *Mémoires*, I, 200-201.

⁸⁵Mme de Broglie to Mme A. du Perion, 10 Dec., 1819, *Lettres de la Duchesse de Broglie*, p. 29. Events as well as contemporary comment support the statement.

⁸⁶Pouthas, *op cit*, p. 169.

⁸⁷Reported by Mme. de Rémusat to her husband 30 July, 1819, *Correspondance*, VI, 64. On Royer-Collard's attitude toward the younger Doctrinaires, see Molé, *Mémoires*, IV, 298.

was distinguished by a singular simplicity and nobility of soul. These qualities attracted the most impressionable of the group, the count de Serre, and their association grew into a deep and beautiful friendship. De Serre was an *émigré* who never completely escaped his aristocratic predilections, but whose generosity and intelligence had thrown him into the fight against the Ultras of the *Chambre Introuvable*. There he had met and admired Royer-Collard, and through him Guizot. De Serre was a fine instrument, ready to vibrate with generous passion at the inspiration of a masterful mind. He had a rare gift of oratory, and many years later when Royer-Collard came out of the Chamber after one of Guizot's great speeches he could think of no higher praise than to say "Like de Serre in his best days."⁹⁸

Prosper de Barante was the man of affairs of the rather unworldly little group. The son of an imperial prefect, and trained to administrative office since early youth, he had displayed independence in a régime where independence was not at a premium.⁹⁹ As a very young man, when his father was prefect at Geneva, he had spent much time in the society of Madame de Staël at Coppet. When Madame Récamier met him, she recognized him at once as the original of Oswald in *Corinne*.¹⁰⁰ He had not reciprocated Mme. de Staël's ardent fancy for him except with a loyal friendship,¹⁰¹ but he was a faithful member of her circle until her death in 1817. There he met the young Duke of Broglie, who shortly after he took his seat in the Chamber of Peers distinguished himself as the only one of that body who voted against the execution of Marshal Ney and thus endeared himself to all who hated the vindictive and cowardly spirit of the White Terror. Victor de Broglie married Albertine de Staël in 1816, and their house became in time the chief center of Doctrinaire opinion. In the summer of 1817 de Broglie had not yet broken with the Left, with whom he had many ties through his step-father, the marquis Voyer d'Argenson, and through his association with Swiss liberals, but he was repelled by their connection with Bonapartism and

⁹⁸Barante, *Royer-Collard*, II, 535, 536

⁹⁹Guizot, *M. de Barante*, in *Mélanges biographiques et littéraires*, p. 224.

¹⁰⁰Herriot, *Mme. Récamier*, I, 142 (English translation).

¹⁰¹*Ibid.*, p. 221.

attracted by the position of the Doctrinaires.¹⁰² His association with the latter in their projects of reform in the ensuing years laid the foundation of his lifelong friendship with Guizot. The bond between Barante and Guizot, which dated back to 1814, could only be strengthened by intimacy with the Broglies. For in her childhood at Coppet, Albertine de Staël had adored the kind young man, and he was her "dear Prosper" all her life. Her letters to him¹⁰³ are full of interest for the student of Guizot, about whom she wrote often and frankly.

Guizot's distinction among the Doctrinaires was in the possession of a combination of qualities of leadership which no single other of the group could claim. He had the natural authority and dignity of Royer-Collard without the older man's excessive sensitiveness and scruple, and with none of his aversion to responsibility. He combined much of the generous ardor of de Serre with greater independence of personal influence, none ever dominated Guizot as he came to dominate de Serre in 1818. In common with Barante, Guizot had administrative capacity and a taste for it. The two were alike also in a singular felicity in personal relations. Guizot had the scholarly tastes and humanitarian interests of Broglie, but whereas the latter was never so happy as in his study, working on projects for reform after the English precedent, Guizot entered the political arena with the keenest zest, and enjoyed the shock and excitement of combat. In the inclination and ability to come to grips with political realities,¹⁰⁴ in capacity for painstaking attention to detail, in power of analysis and generalization, in boldness of thinking, and in sustained energy, no other of the group could equal him. His consciousness of these powers and the testimony to them expressed in the confidence of men like Pasquier and Decazes, and in the faith of his friends, gave him a sort of natural authority, even at thirty. If he was not yet "the Doctrinaire pope," as Madame de Broglie called him in 1824,¹⁰⁵

¹⁰²Broglie, *Souvenirs*, I, 365, 366, 372 ff.

¹⁰³There are many of them in the years between 1817 and 1838, the year of her death. See *Lettres de la Duchesse de Broglie*, and *Souvenirs de Barante*, II and III.

¹⁰⁴Cf. Molé, *Mémoires*, IV, 440.

¹⁰⁵Mme. de Broglie to Barante, Jan. 1824, *Souvenirs de Barante*, III, 170.

he was, in Pasquier's phrase, "the ablest and the most ardent" of the group, and "the soul of the Doctrinaire party."¹⁰⁶ According to Barante, he had reached the conviction that he was "called to a high authority over his country and over his time." He had, to be sure, "too much sense and too much intelligence to say anything of the sort, but this inner conviction changed his tone and his manners." His self-confidence had become "firm and tranquil," and his friends did not question its being well-founded. Most of them were content "to enjoy his witty and instructive conversation, his gentleness and even temper in personal intercourse, and the elevation of his opinions." But Royer-Collard resented his "airs of superiority" and declared that he would not be a pawn on Guizot's chess-board.¹⁰⁷

The charmed circle of his intimate and admiring friends was not enough to satisfy what Pasquier called Guizot's "mania for proselyting."¹⁰⁸ It found outlet in these years in a steady stream of articles addressed to a public whom he hoped to win to support policies which ministers embraced only timidly or half-heartedly. He was still ten years under the age of eligibility for the Chamber, which must be for him the gateway to high office. To influence ministers when they saw fit to lean on him, to write the speeches with which they made their parliamentary successes, to aid in the making of laws, to serve in subordinate administrative office, to mold public opinion through the only channel open to him—the press—this must at best be his rôle for another decade. Little wonder that one of the items in his program was the lowering of the age of deputies to thirty years!

III

After the Government, early in 1817, had set its steps in the direction of constitutional liberalism, Guizot undertook to impel it on in the path of progress, refusing to see occasion for alarm in the Republican agitation which drew from the pen of Chateaubriand a dark prophecy of revolution. The monarchy had nothing to fear from the Republic, declared Guizot in the *Moniteur* of 13

¹⁰⁶ *Mémoires*, IV, 278. Cf. Broglie, *Souvenirs*, II, 10, 11.

¹⁰⁷ *Souvenirs de Barante*, II, 375, 376.

¹⁰⁸ *Mémoires*, IV, 281.

June,¹⁰⁹ for the people of France wanted only to be assured of the fruits of the Revolution. But, while the constitutional color of the ministry was deepened by the entrance of Molé and Saint-Cyr, Richelieu, Lainé, and even Pasquier were hesitant and troubled. Molé, Saint-Cyr, and Decazes remained under Doctrinaire influence. This rift was paralleled by the fact that the Chamber of Deputies was becoming more liberal while the Peers set themselves more and more against the tendency. Under such circumstances, Guizot began monthly articles on current politics in the *Archives philosophiques, politiques, et littéraires*.¹¹⁰ He attacked every evil in the political situation as he saw it. His first article denounced the chauvinists who were fomenting hatred of the foreigner and demanding forcible expulsion of the garrisons of occupation. "It is at last time to comprehend that the army belongs to the country and not the country to the army." In the August issue his subject was the coming elections: he urged the voters to defeat alike the enemies of the monarchy and of the constitutional régime; but the latter were the more dangerous. Revolutionists only would he call enemies: liberals of all shades, Doctrinaires, and partisans of the ministry, he would unite in a constitutional party. In September he came out boldly for a liberal attitude toward the press. The Government, he contended, had been too distrustful of it hitherto; jury trial should be granted for press offenses. "The press is the action of public opinion on authority;" it would be unjust to "deliver public opinion to be judged by authority."

The elections resulted in some gains for the Left, to the dismay of the conservative group in the ministry. Guizot, in his October article, held that there was no occasion for alarm, but only the more reason for a boldly constitutional policy to rally the Left to the support of the Government. Month by month he continued his exposition of liberal doctrine and his comment on events and policies.

In the Council of State he was helping to shape the policies he advocated in the *Archives*. For the army law which was the chief task of the session of 1818, and which made Marshal Saint-

¹⁰⁹Pouthas, p. 172.

¹¹⁰Edited by himself and Royer-Collard; published July, 1817—December, 1818. For citations from the articles, see Pouthas, pp. 175 ff.

Cyr the most popular of the ministers, Guizot not only wrote the *exposé des motifs*,¹¹¹ but the great speech of 26 January, 1818. He had it ready for the minister only a few minutes before the session, but Saint-Cyr knew how to give it effective delivery.¹¹² The enthusiasm and emotion were so great that none noticed that the galleries were guilty of applause and demonstrations. The Right sat gloomily silent while the Center and the Left applauded and wept. The Government was committed to a democratic organization for the army.

Among other questions in the study of which Guizot collaborated, perhaps the most significant was the introduction of the elective principle into local government. The matter was under discussion throughout 1818. In an article in the *Archives* in October, 1818, he advocated a tax-paying qualification for suffrage, but suggested the low figure of five francs for the very small communes. In his plan the mayor would still be an agent of the central government, but would be chosen from the members of the elected municipal council. But these ideas were too advanced for the ministry.¹¹³

Guizot and the ministry were indeed far enough apart by the end of 1818. The right wing of the Government was completely out of patience with the Doctrinaires.¹¹⁴ Pasquier was a "tired liberal" already, who sighed for the good old days of the Imperial régime when Government was free from parliamentary trammels.¹¹⁵ Molé, who admired the ability rather than the program of the Doctrinaires,¹¹⁶ went over to the right wing in December.¹¹⁷ Since the elections in the fall of 1818, Richelieu, deeply alarmed by the trend of public opinion, had been contemplating a new

¹¹¹Molé, *Mémoires*, III, 167; Broglie, *Souvenirs*, II, 8.

¹¹²Guizot, writing in praise of Saint-Cyr, says nothing about his part in writing the speech. But see Broglie, *Souvenirs*, II, 8, and Molé, *Mémoires*, III, 225.

¹¹³Pouthas, pp. 190-191. For the work of the Council of State at this time, and for other reforms which Guizot advocated in a sense too liberal for Pasquier, see Pouthas, pp. 185 ff.; Guizot, *Mémoires*, I, 182-184.

¹¹⁴Pouthas, p. 195.

¹¹⁵Letter of Mme. de Rémusat to her husband 26 November, *Correspondance*, V, 122.

¹¹⁶Molé, *Mémoires*, III, 79-80; 109-110; IV, 301, 302.

¹¹⁷Pouthas, p. 197; Guizot, *Mémoires*, I, 218.

orientation to the Right, and an alteration of the new electoral law and of the press laws in a reactionary sense. Guizot, in the *Archives*, conducted a campaign to arouse opinion to defeat such a plan. He called on the Government to break openly with the extreme Royalists who had been responsible for new trouble in the summer just past, and on the Left to free themselves of Jacobin and Bonapartist elements and make themselves a national party.¹¹⁸ Thus he wished to shift the center of gravity of the majority farther to the left and secure parliamentary support for a frankly liberal policy. December brought a crisis. The plan for a coalition of the Left Center and Left won an initial success in the elections of the bureaux of the Chamber.¹¹⁹ The ministry gave way, and the Dessolles-Decazes-de Serre cabinet was formed. Doctrinaire influence was now in the saddle.

Guizot's sway over the ministry at its début would seem to have been incontestable. According to Pasquier,¹²⁰ he had "subjugated" Decazes, and dominated de Serre completely. Decazes had not accepted the ministry of the Interior without assurance of Guizot's support, and early in January he created for him a new office, that of director-general of departmental and communal administration,¹²¹ which absorbed many of the duties formerly belonging to the secretary-general as well as the supervision of such matters as communications, sanitary police, public assistance, prisons, hospitals, asylums, and charities.¹²² But Guizot's first concern was with the general policy of the new Government. The rallying of a majority of the Liberals was not undertaken with enough energy to please him, and he wrote "fiery letters" to de Serre urging the need of a clear-cut position. "It is asked if the ministry is paralyzed, dumb, dead, and indeed it has the air of being so For God's sake do not sleep on the ministerial benches; your presence, your voice tomorrow are indispensable" Thus reads a letter dated "midnight" of 14

¹¹⁸*Ibid.*, pp. 192 ff

¹¹⁹Pouthas, p. 197.

¹²⁰*Mémoires*, IV, 277-279. See also la Boulaye to de Serre, 22 July, 1820, de Serre, *Correspondance*, II, 536, cited Pouthas, p. 253

¹²¹*Moniteur* of 7 Jan., 1819, cited *ibid.*, p. 200.

¹²²Order of 19 Jan., 1919. *Ibid.*, p. 219.

February.¹²³ On the next day the minister spoke to good effect and obtained his majority of the Left and Left Center. But a few days later, Guizot was goading him again.¹²⁴

He was deeply concerned that the Government should take the country into its confidence as to its liberal intentions. Publicity, he declared, should be the cardinal principal of its policy.¹²⁵ He had to give up the publication of the *Archives*, of which he had carried the burden, but he wrote many articles for the *Moniteur* and other journals, and urged his friends to do likewise. His influence availed to secure the elimination of the Ultra-Royalists from the Council of State, and in his new office he himself "purified" the local administration of their partisans.¹²⁶ By such means he succeeded in casting Decazes into the arms of the Left *bloc* in the Chamber. To swamp the Right in their stronghold he advocated the creation of eighty new Peers; then a dissolution of the Deputies, and an ordinance doubling the membership of the Chamber and lowering the age qualification.¹²⁷ Barante shrank from the proposal of an ordinance. "In Heaven's name, no violation of the Charter," he begged.¹²⁸ The plan was pared down to a simple creation of sixty new peers.

With the discussion and passage of the press legislation known as the de Serre laws, the Chambers abandoned themselves to Doctrinaire leadership. The press laws were the work of the group, and embodied many of the ideas set forth in Guizot's article in the *Archives* for December, 1818, and in the project which he submitted to his friends in the preparatory discussion.¹²⁹ "The liberty of the press," he declared in his *exposé des motifs*, "is the liberty of opinions and of the publication of opinions. An opinion whatever it be does not become criminal in becoming public.

¹²³*Correspondance du Comte de Serre*, II, 386, cited Pouthas, p. 201.

¹²⁴Letter 25 Feb., *ibid.*, p. 394, cited Pouthas, p. 201.

¹²⁵Chas. de Rémusat to his father, 14 March, 1819, *Correspondance*, V, 286.

¹²⁶Pasquier, *Mémoires*, IV, 279. See Pouthas, pp. 203, 204 for details.

¹²⁷Rémusat to his mother, 23 Feb., 1819, *Correspondance*, V, 235-236.

¹²⁸*Souvenirs de Barante*, II, 364.

¹²⁹Cited by Pouthas, p. 210, from *Archives Nationales*

But the liberty of opinions is not liberty for provocations to crime or to any legal offense." The measures agreed upon, however, and presented to the Chambers were made more cautious by Broglie, who with de Serre was afraid of some of Guizot's more liberal ideas.¹⁸⁰ When the great debates took place in the Chamber, Guizot took part as *commissaire du roi*,¹⁸¹ and acquitted himself well, winning commendation from more than one quarter.¹⁸²

The Doctrinaires were still "heavy with projects." They worked hard on the preparation of a bill to reform the local administration on much the same lines as Guizot had advocated in the *Archives*, but Decazes did not push it through to passage. After the close of the session, Broglie and Guizot undertook to prepare a jury law, but their tentative project, which was chiefly the work of Broglie, and which he hoped to make simply the first step toward a vast reform of criminal law and procedure on the English precedent, came to nothing with the turn of events in the fall.¹⁸³

Meanwhile Guizot had been active in the work of his administrative office, which he had not used solely as a means of fighting the extreme Right. He had set a commission to work on the problem of local or "neighborhood" roads, the betterment of which he had much at heart.¹⁸⁴ On the humanitarian side of his duties—in such matters as the care of orphans, of the insane, of public hygiene, the administration of relief to unfortunates, his enthusiasm drew him into association with the group inspired by the duke de la Rochefoucauld. In May, 1819, he was one of the

¹⁸⁰*Ibid.*, p. 212.

¹⁸¹15, 16, 19 April, 3 May, 1819, *Archives parl.*, XXIII, 646, 652, 697; XXIV, 164

¹⁸²See Pouthas, *op. cit.*, p. 214. Charles de Rémusat reported to his mother as follows, after one of the sessions when Guizot spoke: "He said only a few words, but they made an impression. The beauty of the sound of his voice, the facility of his improvisation, and the accent with which he said to Constant that liberty supposed courage, all that was striking and the journal will give you only a feeble idea of it."—20 April, 1819, *Correspondance*, V, 365

¹⁸³Documents in archives of Broglie and of Val Richer, cited Pouthas, p. 217.

¹⁸⁴*Ibid.*, p. 221.

founders of the Royal Society for the Amelioration of Prisons.¹³⁵ His interest and activity in such reforms became permanent, and many were his later services both official and unofficial.

After the first of May, when the de Serre laws were promulgated and the press was free, the ministry had need of an organ to meet the unbridled attacks of the Right and of the extreme Left. So the Doctrinaires undertook to direct a daily paper. Royer-Collard, Barante, and Rémusat, with several others, joined Guizot in the publishing company.¹³⁶ The first number of the *Courier* appeared 21 June; and for seven months, after establishing a critical attitude toward all parties, and making clear its non-revolutionary character, it carried on a campaign against the Ultras, and tried to separate the Left from the extreme Left by emphasizing the liberal policies of the Government. Guizot directed the policies of the paper,¹³⁷ but the burden of the editorial writing fell upon his wife and upon the devoted Charles de Rémusat.¹³⁸ The program outlined was the erection of a constitutional structure on the foundation laid down in the Charter, and included jury reform, the introduction of elections into the local government, the lowering of the age for deputies, increasing their number, and an appeal to youth by frank avowal of liberalism.¹³⁹ At the approach of the fall elections, the candidates were classed as Right, Constitutionalist, or Revolutionary, and the voters were urged to defeat all who could not be classed in the second category.¹⁴⁰

In the first nine months of 1819 the Restoration came nearer than ever again to realizing Guizot's conception of right policy, and to success in rallying the nation to its support. For the unknowing, it was de Serre, the passionate parliamentary champion of liberal measures, who swept the Doctrinaire ministry along in the path of reform. The better-informed knew that it was Guizot. His salon was now crowded with deputies as well as with aca-

¹³⁵*Moniteur*, 14 June, cited Pouthas, p. 222.

¹³⁶Barante, *Souvenirs*, II, 374-376; Rémusat, *Correspondance*, VI, 5, 15.

¹³⁷*Ibid.*, p. 26.

¹³⁸*Ibid.*, p. 225.

¹³⁹Pouthas, p. 227; see Molé, *Mémoires*, I, 305, for a scornful reference to the Utopian character of this program.

¹⁴⁰See, e.g., the issue of 6 Sept., 1819.

demic personages and the youth of the *École Normale*. The *Courier* was read and approved by the liberal bourgeoisie of the provinces,¹⁴¹ and detested by the Ultras, to whom it was simply and solely the mouthpiece of the horrible M. Guizot.¹⁴² Young Rémusat's more conservative relatives were moved to indignant protest at his connection with the journal. But his mother, visiting Paris in the summer of that year, was completely reassured after dining with Guizot and talking to him frankly about her son's future. He "understood perfectly," spoke most affectionately of Charles, expressed a wish that the elder Rémusat could come to Paris to be prefect of the Seine, and seemed very moderate and perspicacious in his judgment of men and affairs. His manner she thought gentler than of old.¹⁴³

But even among the Doctrinaires, there was dissatisfaction with the *Courier*. Royer-Collard, frightened by its attacks on the Right, made difficulties,¹⁴⁴ even scenes, in which, according to the admiring Rémusat, Guizot showed great patience and tact.¹⁴⁵ Madame de Broglie was not entirely pleased with the tone of the Doctrinaire organ: "I find the *Courier* a little too dogmatic, although it is very able; it resembles too much the manner of one of our friends . . . Even when it is right, one has difficulty in deciding to be of the same opinion as one who has the air of being so sure of himself."¹⁴⁶

As for Decazes and de Serre, events were soon to show that Guizot's hold on them was precarious. The singularly attractive and clever Decazes was nothing of a philosopher but rather an opportunist of clear if short sight, "a hundred leagues from all abstractions."¹⁴⁷ He loved, said Guizot, not the opinions of the Doctrinaires but their persons.¹⁴⁸ And although he was incapable

¹⁴¹Mme. de Rémusat to her son 26 Sept., 1819, *Correspondance*, VI, 117.

¹⁴²Molé, *Mémoires*, IV, 310.

¹⁴³Mme de Rémusat to her husband 30 June, 1819, Rémusat, *Correspondance*, VI, 29-31.

¹⁴⁴Molé, *Mémoires*, IV, 281, 282.

¹⁴⁵Mme. de Rémusat to her husband, 28 June, 3 July, 1819; *Correspondance*, VI, 27, 28, 42.

¹⁴⁶To Barante, 12 July, 1819, *Souvenirs de Barante*, II, 373.

¹⁴⁷Pouthas's phrase, *op. cit.*, p. 230.

¹⁴⁸Broglie, *Souvenirs*, II, 98.

of betraying those whom he loved, that did not insure them against losing their influence over him in the face of sufficiently untoward circumstances. De Serre, vehement and generous, who abandoned himself unreservedly to a combination of ideas and personal influence—for a time—was scarcely more attracted to ideas as such than Decazes.¹⁴⁹ In the fall of 1819, his *élan* for Guizot's strenuous program failed, and Broglie became his inspiration. A few months more, and he was swept away from his friends by the tide of reaction.

The first distinct reverse encountered by the Guizot program was the result of the fall elections for the Chamber, especially the election of Grégoire, which seemed to portend an alarming drift into radicalism and which caused discouragement and disagreement among the Doctrinaires.¹⁵⁰

Broglie was dismayed, and agreed with Decazes and de Serre that a modification of the electoral law was necessary. He advocated a double vote for the heavier taxpayers, along with certain minor liberal changes such as the lowering of the age of eligibility for deputies.¹⁵¹ Royer-Collard and Jordan, for the moment, wanted a reactionary measure pure and simple.¹⁵² Guizot, although not entirely untroubled by the situation, called the attention of readers of the *Courier* to the fact that the similar fears of a year ago had been dispelled by the moderate conduct of the Liberal Deputies then elected, and maintained that a complete break with the Right and an alliance with the moderate Left was still the true policy.¹⁵³ He rejected the double vote and the other illiberal provisions of the Broglie-de Serre project,¹⁵⁴ although Barante, after hesitation, rallied to it.

¹⁴⁹"I have read almost nothing, and now I no longer have time for reading," said de Serre to Mme. de Broglie.—Broglie, *Souvenirs*, II, 97. Cf. Guizot, *Mémoires*, I, 178.

¹⁵⁰Mme. de Broglie to Mme. A. du Perron 10 Dec., 1819, *Lettres de la Duchesse de Broglie*, pp. 28, 29.

¹⁵¹For the bill prepared by Broglie and de Serre, see Guizot, *Mémoires*, I, 460 ff., and Pouthas, p. 234, n. 1.

¹⁵²*Ibid.*, p. 234.

¹⁵³See the issues of late September and early October.

¹⁵⁴Letter Decazes to Richelieu, 7 Nov., 1819, in the archives of Val Richer, cited Pouthas, p. 236.

But the staunch Liberals in the ministry—Dessolles, Saint-Cyr, and Louis—refused their consent to the proposed modification of the electoral law. Decazes thereupon tried to form a grand coalition including Richelieu on the one hand, and Royer-Collard and Broglie on the other.¹⁵⁵ When the plan failed, the three liberal ministers were replaced by three from the Right. Guizot received the blow sadly but imperturbably,¹⁵⁶ and continued to asseverate in the *Courier* that more liberal legislation rather than less was needed. The altered ministry, expecting opposition from the Left Center and the Left, felt constrained to lean heavily on the Right, and decided to introduce an electoral bill shorn of all concessions to liberal opinion. This the Doctrinaires now united in disapproving; but Guizot and Barante retained their offices through affection for Decazes in spite of the embarrassment involved.¹⁵⁷ Royer-Collard was displeased with everybody.¹⁵⁸ The company of the *Courier* was dissolved, and the paper was taken over by a group of the Left.

Thus Guizot and his friends suffered reverse and disappointment several weeks before disaster came to postpone to an indefinite future all hope of recovery of what they had lost. The murder of the Duke of Berry in February gave the death-blow as well to any surviving liberalism in the ministry. Decazes did not indeed want to deliver himself over to the Ultras, and Guizot, recognizing him as the sole barrier against utter reaction, persuaded the moderate Left not to abandon him entirely.¹⁵⁹ But the ministry could not satisfy Royer-Collard's exactions and fell on 20 February. Guizot resigned with Decazes, resuming his place in the Council of State.

¹⁵⁵Guizot, *Mémoires*, I, 200, 224-225; Pouthas, p. 238.

¹⁵⁶Rémusat to his mother 24 Nov., 1819, *Correspondance*, VI, 215.

¹⁵⁷Charles de Rémusat to his mother 23 Jan., 1820, *ibid.*, p. 254.

¹⁵⁸He "accused Broglie of subtlety and blindness, Guizot of intrigues, M. de Serre of weakness and of being duped, Decazes of instability, of lack of coolness and dignity, everybody of incapacity to govern." Note of Rémusat's of later date, *ibid*

¹⁵⁹Rémusat to his mother, 20 Feb., Mme. de Rémusat to her husband, 4 March, *Correspondance*, VI, 325-326; 379-380; duke of Broglie to de Serre, 22 Feb., de Serre, *Correspondance*, III, 94, cited Pouthas, p. 244.

De Serre consented to remain in the second Richelieu ministry, but since he was in southern France for his health, was not actively associated at first with its policies. Decazes begged his friends to support the new Government to avoid a worse one. Guizot—for the moment—and Broglie were too much discouraged to cherish hope of staying the current of reaction. But late in March, when Royer-Collard broke the silence which was alienating the Left from the Doctrinaires, Guizot gladly took up again the effort to unite the Left and the Left Center under the parliamentary leadership of his friends.¹⁶⁰ His plan was to win de Serre away from the ministry and put him at the head of a liberal cabinet. On 12 April he sent a long letter to Nice,¹⁶¹ describing to de Serre the situation as he saw it, and declaring that a liberal revolution in the ministry was necessary to prevent a popular uprising. (A reference to the Spanish revolution shows that it seemed to him an additional argument for overturning a Government of the Right by parliamentary means.) But the other Doctrinaires could not be convinced of the feasibility of the plan, although they all agreed that de Serre ought to resign. The latter was not only unconvinced by Guizot's letter, but, on his return to Paris in May, refused to see his friends before committing himself to Pasquier and Richelieu.¹⁶² When he and Guizot finally had an interview, they found themselves in agreement on many points, and differed only in their conception of the greatest danger of the moment. What Guizot feared most was the prospect of counter-revolution: his friend's chief dread was of a popular insurrection. De Serre betrayed also his premonition that the coming parliamentary struggle might cost him his life, and Guizot was so deeply moved by the interview that he could not describe it to Madame de Rémusat without tears.¹⁶³

¹⁶⁰Pouthas, pp. 245-246. He cites letters of la Boulaye to de Serre, as well as Guizot's own.

¹⁶¹Published in Guizot, *Mémoires*, I, 456.

¹⁶²The letters of Guizot, Royer-Collard, and the Broglies entreating de Serre to consult them are in the correspondence of de Serre, cited Pouthas, pp. 248-249.

¹⁶³Mme. de Rémusat to her husband, 20 May, 1820. *Correspondance*, VI, 468.

Richelieu's election law—the law of the double vote—was passed early in June, the Doctrinaires in the Chambers uniting with the Left in opposition to it.¹⁶⁶ During the debates Guizot occupied the seat reserved for him as Councillor of State, and in the intervals went into the lobbies and among the deputies, and threw himself unreservedly into the opposition; in short, in the words of Pasquier, was guilty of "intolerable conduct."¹⁶⁶ The Right demanded of de Serre a conspicuous disavowal of his former friends; after long hesitation he and Pasquier agreed to dismiss Guizot, Barante, Royer-Collard, and Camille Jordan from the Council of State. De Serre wrote a stiff note to Guizot, referring to his "violent hostility" to the Government, informing him that his "pension" of 6,000 francs would be continued, and expressing the hope that he would not compromise his future by false steps.¹⁶⁹ Guizot replied haughtily that he would continue in the future as in the past to belong only to himself, pointed out that he never had a "pension" of any sort, and demanded that the error should be rectified.¹⁶⁷ The Doctrinaires resented Guizot's dismissal bitterly, because it left him with no income save his professorial salary of 4,500 francs, out of which he must pay his supply at the Sorbonne.¹⁶⁸

In the archives of Val Richer is a letter which Guizot wrote to Charles de Rémusat soon after the Council of State was purged of the Doctrinaires.¹⁶⁹ "I have still enough malice in my heart," runs one passage of it, "to be diverted by the fright of the pol-

¹⁶⁶But Broglie disagreed with his friends on this. See Mme. de Broglie's letters to M. de Lascours, 16 June, 1820, *Lettres*, 47, 48.

¹⁶⁷*Mémoires*, IV, 433.

¹⁶⁸16 July, Guizot, *Mémoires*, I, 471.

¹⁶⁹*Ibid.*, p. 472.

¹⁷⁰Pouthas, p. 253. La Boulaye to de Serre, 22 July, de Serre, *Correspondance*, II, 536, cited *ibid.* Barante to Decazes 22 July, *Souvenirs de Barante*, II, 451. Mme. de Broglie wrote to Barante that de Serre's treatment of Guizot had so revolted her that she never wanted to see him again. *Souvenirs de Barante*, II, 448. See also Barante, *Royer-Collard*, II, 65-68. While Barante is severe on de Serre, his account indicates that the minister felt deep regret and that he really thought that Guizot was enjoying a pension.

¹⁷¹Dated July, 1820. (A copy.)

troons at their victory! . . . I have only one grief, namely, de Serre."¹⁷⁰ Of the affair of the pension, "You can well imagine how the Doctrinaire insolence raged at the encounter with the ministerial insolence, and hastened to grow greater still." Of the future, "In fact, here we are in a clearly defined position and I hope that we shall accept it, our friends appear decided on that and I shall neglect nothing that will hold them in that good path. We shall see if it is possible to substitute parliamentary opposition for revolutionary. I do not despair of it."

IV

Many were the expressions of sympathy which came to Guizot from outside the circle of his intimate friends. One such was the offer from Madame de Condorcet of the use for several months of a pleasant little house in the country near Meulan. There, with a view from their sunny slope of the Seine and the bridge and the churches of the village, Guizot and his wife and child spent the rest of the summer and the fall of 1820. Still in a fighting mood, he set to work on a political treatise which was to be his contribution to the coming electoral campaign.¹⁷¹ Life at *la Maissonnette* was deliciously quiet and monotonous after the fever of Paris. It was enlivened by visits from Charles de Rémusat and Victor de Broglie. "We lead a very simple life," wrote Rémusat to his mother on such an occasion, "not at all austere, in great liberty, and with an idleness which would look like work to those who haven't like us a rage for conversation. My hosts . . . are very gay and tranquil . . . They enjoy the present moment, the independence, the fresh air, the sun . . . We talk much, read, . . . the master of the house works . . ."¹⁷² (The mistress of the house worked also, although perhaps not when guests were pres-

¹⁷⁰Guizot himself seems to have felt no resentment against de Serre except momentarily at the tone of the note. In a letter to Mme. Guizot several weeks later, 13 Sept., he spoke of de Serre as "a generous soul who is doomed to perish" (i. e., in the struggle against reaction). Mme. de Witt, *Guizot*, pp. 57-59.

¹⁷¹Guizot, *Mémoires*, pp. 291 ff.

¹⁷²8 Sept., 1820, *Correspondance*, VI, 513.

ent. Beside the habitual aid she gave her husband, she had set to work on a novel which was published the following year and crowned by the French Academy.)

Meanwhile the ministry repressed riots, arrested conspirators, used the censorship against the Liberals, and found it harder and harder to resist the demands of the extreme faction of their Royalist support. The Opposition had perforce to reach their public through books and pamphlets instead of newspapers, and Guizot's was only one of several such publications to appear in the autumn. He took it to Paris in September; it was published under the title *Du gouvernement de la France depuis la Restauration et du ministère actuel*, and made a tremendous hit with the Liberals, running through several editions and attracting more attention than any political publication since Chateaubriand's *Monarchie selon la Charte*.¹⁷³

The pamphlet—or rather book, for there were three hundred pages of it—reviewed the history of the Restoration ministries as a long struggle against the reactionaries, and charged their failures to lack of energy in their liberal policies: it treated severely the timidities of even the "Doctrinaire ministry." The recent change in policy Guizot condemned as a surrender to the enemy; he called upon the electors to vote only for clearly liberal candidates, avoiding such symbols of revolutionary violence as Grégoire. The Revolution had been, he declared, a veritable war between two hostile peoples who had lived together in France for thirteen centuries—the masses and the privileged classes. That struggle was not yet safely won: the nation must assert itself through the channel of parliamentary institutions, win control of the Chamber, and claim its right to choose the ministers.

The journalists of the Right ran true to form in their comments on the pamphlet. The *Quotidienne* accused its author of preaching civil war;¹⁷⁴ the *Défenseur* found his ideas similar to those of the assassin of the Duke of Berry, and remarked that if such was the sort of history Guizot taught, it was not surprising

¹⁷³Duvergier de Hauvianne, *Histoire du gouvernement parlementaire en France*, VI, 41.

¹⁷⁴11 Oct., 1820, cited Pouthas, p. 272.

that the youth of France had learned revolt and hatred of the established order.¹⁷⁵

There was fright as well as wrath in the Ultra-Royalist denunciation of the Opposition. Southern Europe in insurrection seemed to threaten all the house of Bourbon. But to Guizot the events of 1820 in Spain and Italy suggested the formation of a great liberal league beside the possibilities of which English liberalism appeared only half-hearted.¹⁷⁶ In his brochure he had devoted a chapter to defending the revolutionary movements as sound and moderate in their aims, and had maintained that a strong Italy and Spain would constitute a guarantee for the peace of Europe. He took particular pleasure in the letters from European liberals abroad commending this part of his book.¹⁷⁷ He hoped passionately that the revolutionists of Naples and Madrid would vindicate his faith in their wisdom and moderation.¹⁷⁸ When the Italian movements collapsed a few months later he was filled with chagrin at the element of the ridiculous in their failure.¹⁷⁹

The results of the amended electoral law surpassed the expectations of the ministry, which found the overwhelming Royalist majority indisposed to tolerate moderation, and was in consequence carried beyond its intentions in repressive measures.

The Left, especially the Bonapartist section, had already resorted to secret societies and revolutionary plots, and the conspirators of August, 1820, were tried by the court of the Peers, which did not render its judgment until July, 1821. Lafayette, Manuel, Foy, d'Argenson and other prominent leaders of the Left were strongly suspected of having had cognizance of the conspiracy, and the prosecution might have reached them but for the interposition of Broglie, who not only shielded his step-father and his former political friends, but was probably responsible for the

¹⁷⁵25 Nov., 1820, cited Pouthas, pp. 273, 274. For a list of the Royalist brochures published in answer to Guizot's, see Pouthas, *Essai critique sur les sources et la bibliographie de Guizot pendant la Restauration*, p. 109.

¹⁷⁶Letter to Mme. Guizot 15 Sept., 1820, Val Richer, *Correspondance*, cited Pouthas, p. 277.

¹⁷⁷Letter to Rémusat, Val Richer, Oct., 1820 *Correspondance*, No. 83.

¹⁷⁸*Souvenirs de Barante*, 28 Oct., 1820, II, 47.

¹⁷⁹Letter cited by Pouthas, p. 278, from the archives of Val Richer.

light sentences given the accused.¹⁸⁰ While the Court discussed the question of the prosecution, Guizot published a second pamphlet (January, 1821) in which he analyzed the ministerial policy as tending to stultify the courts by making them instruments of party prejudice, and as provoking its enemies to resort to force.¹⁸¹ The Left was delighted. "You gain victories for us without our help," said General Foy.¹⁸² The leaders of the extreme Left, who were deeply involved in the organization of the *Charbonnerie*, hoped to call him one of their own. But to one of them who came to him soon after the publication of his pamphlet, he made it clear that his program was legal opposition, not the overthrow of the Bourbons.¹⁸³ A letter of his dated 4 May, 1821, to a Spanish liberal,¹⁸⁴ contains some significant passages. Concerning the French situation he writes: "There is for the present, nothing to do . . . but to sustain the Opposition with confidence, dignity, discretion, to use all the means which remain to us for defending . . . the true national interests and for propagating the principles of liberty without yielding on any of them; but in following this program, it must be realized that one sows for the future, that one will not reap tomorrow, and that in holding oneself in readiness to seize any occasion to resume the rudder, one is doing all that the state of affairs today permits to a man of sense and of heart." As for the situation in Spain, he counsels caution and moderation, for although he does not believe that the French Government will venture to intervene, "The Holy Alliance is a collective Bonapartism which commands immense material resources and which the constitutional system is in no condition to attack frontally with hope of success . . ." The greatest danger for the future of Spain would be in an appeal to violence . . . But "you must hasten to ally many material interests with the cause of liberty" by selling the national domains. He begs to be kept informed, for "Spain has become a matter of

¹⁸⁰Broglic, *Souvenirs*, II, 194 ff; Pouthas, p. 281; Mme. de Broglie to Mme. de Castellane, 15 Feb., 1821, *Lettres*, p. 88.

¹⁸¹*Des conspirations et de la justice politique*, republished in *Mélanges politiques et historiques*.

¹⁸²Guizot, *Mémoires*, I, 308.

¹⁸³*Ibid.*, p. 309.

¹⁸⁴Val Richer, *Dossiers spéciaux*, No. 6, cited Pouthas, pp. 278-279.

immense interest for us; if the counter-revolution were successful there, I do not know where it would stop here."

On a visit to Nîmes in the course of the summer of 1821 Guizot was encouraged to find some of the provincial aristocracy liberal.¹⁸⁵ Perhaps that discovery furnished some of the impulse to write a third pamphlet which appeared in October under the title *Des moyens de gouvernement et d'opposition dans l'état actuel de la France*. It made clear his own advocacy of legal forms of opposition, and endeavored to stir public opinion in the electoral class against the Government by showing the danger of delivering constitutional machinery to the men of the *ancien régime*. An Opposition he declared to be one of the essential conditions of parliamentary government; he called upon liberals to use all their influence to rally the nation and to administer a decisive defeat to the party of reaction. Again he scored a personal success.¹⁸⁶ "It takes you by the throat," wrote Madame de Rémusat shortly before her death, "you cannot answer it."¹⁸⁷ No small factor in its popularity were the sketches of the ministers Richelieu, Pasquier, Villèle, and de Serre. The general opinion was that Guizot had treated his former friend very well, but the minister caught the note of contempt and was so angry that he thought for a moment of prosecution.¹⁸⁸

But all this labor of the pen had no appreciable effect on the voters. The partial elections of November only increased the Right at the expense of the ministerial Right Center, and spelled failure for Richelieu's moderate intentions. The extreme Royalists did not scruple to join the Opposition in a hostile address to the King, and Monsieur refused to redeem his pledge of February, 1820, to support the ministers. "What can you expect?" said Louis XVIII. "He conspired against Louis XVI, he conspired against me, he will end by conspiring against himself." With the resignation of Richelieu in December the "last shadow of the Government of the Center vanished," and the accession of Villèle gave unlimited hope, if not free play, to the fondest dreams of the

¹⁸⁵Letter to Barante, July, 1821, *Lettres*, pp. 9 ff.

¹⁸⁶Rémusat to his mother, 14 Nov., *Correspondance*, VI, 559-560.

¹⁸⁷To her son, 1 Nov., 1821, *ibid.*, pp. 554-555.

¹⁸⁸Letter of Rémusat to his mother, 14 Nov., 1821, *ibid.*, VI, 559-560.

Ultras The severe press laws of March, 1822, passed easily, and the liberals were almost as effectually paralyzed in the press as in the parliament. The "priest-party" added to its preliminary victories of the preceding year a signal triumph in securing the appointment of the abbé Frayssinous as Grand Master of the University. Throughout the year the Government continued relentlessly with the prosecutions of Opposition journals and the trial and execution of conspirators.

The Doctrinaires were deeply distressed by the executions¹⁸⁹ Although after the publication of his *Des moyens de gouvernement* Guizot had forsworn so futile a form of political action,¹⁹⁰ he was so deeply stirred in the spring of 1822, and the need for action of some sort seemed so necessary to him in such a mood, that he sent to press in June a fourth pamphlet, *De la peine de mort en matière politique*.¹⁹¹ It was an effort to arouse public opinion against further death sentences, and perchance to convince the Government—with how slender a chance of success!—that the execution of political offenders was not good policy. His arguments convinced the Right only of his secret sympathy for traitors,¹⁹² and brought renewed advances from the extreme Left.¹⁹³ The executions went on.

It is not surprising that such a Government should make no fine distinctions between constitutional and revolutionary opposition, nor between the political activities and the lectures of a professor. Guizot's course at the Sorbonne on the origins of representative government, which he had resumed in December, 1820, and repeated in 1821-1822, was suspended by the Grand Master in October, 1822. The event had been clearly foreshadowed by earlier suspensions, and Guizot accepted it philosophically, expressing only mild regret for the "little tribune" he had lost.¹⁹⁴

A certain discouragement had nevertheless taken possession of him with the growing realization of his powerlessness to influence

¹⁸⁹Rémusat to Barante, June, 1822, *Souvenirs de Barante*, III, 14; Broglie to Barante, 16 Aug., 1822, *ibid.*, p. 35.

¹⁹⁰Letters to Mme. Guizot, 10 and 16 Oct., 1821, cited Pouthas, p. 296.

¹⁹¹*Mélanges politiques et historiques*, pp. 239-434.

¹⁹²*Quotidienne*, 8 July, 1822, cited Pouthas, p. 287.

¹⁹³Guizot, *Mémoires*, I, 310.

¹⁹⁴Letter to Barante, 20 Oct., 1822, *Lettres*, p. 50.

the course of events. "Never has any period been marked as is this one with the imprint of fatality," he wrote to Barante; . . . "events come as of themselves, without the men who are involved in them being capable of causing or avoiding them."¹⁹⁵ Intervention in Spain which in May, 1821, he had dismissed as unlikely, was threatening in the fall of 1822, and became a reality in 1823. In June of that year the Duchess of Broglie wrote to Barante that she had just received a discouraged letter from Guizot. That mood, she added "must be very general, when it takes possession even of him."¹⁹⁶ A few weeks later, writing of the inertia of men in the current of reaction, Guizot sought comfort in the thought that after all, the country would not perish: "there is truly no reason for losing courage."¹⁹⁷ But this was the courage of recognition that the cause they served would outlive their personal failures. The outlook for him had indeed altered since 1817, in the days when, according to Pasquier,¹⁹⁸ he was convinced "that the world was entering a crisis of which the result would be the disappearance of all the old influences, of all the ancient social forces to make place for talent."

But disillusionment as to his own personal prospects was only momentarily depressing. He was convinced that the future belonged to liberalism. In the letter to Barante just cited, he remarked that in spite of untoward events "all the distinguished young men come to us." Among the Doctrinaires he was himself the magnet for the younger generation.¹⁹⁹ The circumstances of his retirement from politics and the brilliant success of his course at the Sorbonne had attracted them; the qualities which kept Charles de Rémusat—"le prince de la jeunesse"—so long an ardent disciple,²⁰⁰ held them after their student days. Louis de

¹⁹⁵Letter to Barante, 20 Oct., 1822, *Lettres*, p. 50.

¹⁹⁶*Souvenirs de Barante*, III, 88

¹⁹⁷10 July, 1823, *ibid.*, p. 99

¹⁹⁸*Mémoires*, IV, 278.

¹⁹⁹Mme. de Broglie to Barante 23 July, 1822, *Souvenirs de Barante*, III, 26.

²⁰⁰On this point the Rémusat *Correspondance* is very illuminating; e. g., Mme. de Rémusat's letters of the summer of 1819, *Correspondance*, VI, 25, 26, 29-31, 68. See also Guizot's letter to Charles at the time of his mother's death, Dec., 1821, *Lettres*, pp. 26 ff, and one of 27 Aug., 1824, Val Richer, *Correspondance*, No. 83.

Guizard, Dumon, Mahtul, Vitet, Duchâtel, Duvergier de Hauranne, and many others, called him master in that decade of intellectual ferment and generous dedication of thought to the service of social justice.²⁰¹

Whatever may have been the success of his lectures at the Sorbonne in convincing the young men that a study of the past was necessary to an understanding of the present, and in "making Doctrinaires under the very fire of the enemy," the influence on Guizot himself was important. His exile from office turned him back to writing; his interest in politics made him a historian. In the seven years after the suspension of his course he published successively his *Origines du gouvernement représentatif* (1822), the *Essais sur l'histoire de France* (1823), the early volumes of his *Mémoires relatifs à la Révolution d'Angleterre* (1823-25, 25 volumes), the *Révolution d'Angleterre*, volume I (1826), and finally, after the resumption of his course in 1828, the *Civilisation en Europe* and the *Civilisation en France*. One needs only to compare these titles with a list of his articles and essays published before 1823,²⁰² with their range of subjects—education, art, drama, poetry, philosophy, and politics—to realize the definiteness of his orientation.

Another result of his leisure for study of the history of European civilization and for reflection upon his own experience in governing in the early years of the Restoration, is the emergence of his political philosophy. In the archives of Val Richer is a manuscript of ninety pages, an unfinished essay entitled *Philosophie politique*,²⁰³ which makes clear the *via media* its author discovered by a process of rationalization between the theory of divine right and that of the sovereignty of the people—both of which he had rejected long before. The very principle of sovereignty attributed to any men or any group of

²⁰¹See letter Doudan to Guizot dated simply 1830 at Broglie, Doudan, *Mélanges et lettres*, I, 155, also Janvier in the Chamber of Deputies 13 Aug., 1834, *Archives parl.*, XCI, 59.

²⁰²See Pouthas, *Essai critique sur les sources et la bibliographie de Guizot pendant la Restauration*, pp. 1-24.

²⁰³From which Pouthas quotes many passages in his analysis of Guizot's philosophy, *Guizot pendant la Restauration*, pp. 313 ff.

men, even a majority, he denied as a sort of idolatry.²⁰⁴ But "human societies have a fully legitimate sovereign. They believe in it, aspire toward it and its laws invincibly and unceasingly, arrest their steps when they flatter themselves with having attained it, resume their course when their mistakes become evident, desire in fine, with an untiring will, to obey it and it alone. Therefore it is. This sovereign entirely legitimate . . . is reason, truth, justice."²⁰⁵ In other words, the *sagesse divine*, the Providence, of his parliamentary discourses after 1830. The theory of natural rights he rejected in favor of the conception of duty (*devoir*)²⁰⁶ as fundamental to a society dedicated to the pursuit of justice: "To each man must be accorded the right which in fact belongs to him, of obeying reason only, instead of attributing to him the right, which is not his, of obeying only his will." Human nature, weak as it was, was characterized by a saving aspiration after the good and the just which had effected an evolution in civilization. The state should be established on the principle of political capacity instead of political rights. Political capacity is the *faculty of acting according to reason*. The provisions of the Charter and of the electoral law of 1817 he considered workable devices for including the individuals possessed of capacity in the electoral scheme; he did not claim that they were unalterable principles. They would change as circumstances changed.²⁰⁷ Not his pragmatic theory, but his interpretation of events in after years, was at fault.

His research and the formulation of his philosophy did not absorb all his superlative endowment of energy. These years were full of projects inspired by the conviction that by taking thought men could make the future different from the past, that a régime of liberty and progress was coming and was not too far distant. His interest in French Protestantism, which in the days of his political influence had served his co-religionists well, was even

²⁰⁴*Philosophie politique*, Chap. I, cited Pouthas, *Guizot pendant la Restauration*, p. 315.

²⁰⁵Chap. II, cited *ibid.*, p. 317.

²⁰⁶Chap. XX, cited *ibid.*, p. 319. In 1816 he had written "society rests on the idea of duty" Notes for an unfinished treatise, cited *ibid.*, p. 142.

²⁰⁷*Origines du gouvernement représentatif*, II, 234 ff., cited Pouthas, p. 324.

more active after 1821, when their legal rights were endangered by the Catholic reaction. He served on committees appointed by the Consistory, lent his name and patronage to various societies and enterprises of a charitable and educational sort (he was especially interested in primary schools) where he was associated with such men as Jaucourt, Stael, Stapfer, Greffulhe, the bankers Delessert, and the leading Protestant pastors of Paris.²⁰⁸

In the *Société de la morale chrétienne*, founded in 1821 under the nominal presidency of the Duke of La Rochefoucauld, Guizot found a wider range of interests.²⁰⁹ There Catholics, Protestants, and *philosophes* united in supporting all the philanthropic and liberal enterprises of the age: emancipation of negroes, prison reform, Greek independence, Catholic emancipation in Ireland, international understanding, adult education, abolition of the death penalty, and multitudinous charities. Guizot was one of the founders of the society, served on the committee which edited its journal, was a member of the administrative council from 1823, vice president from 1825 to 1828, and president 1828-1830. Three of his most devoted disciples were among the most active members—Rémusat, Guizard, and Mahul; Barante, de Staël, and Broglie were prominent in the administration, the last-named following La Rochefoucauld and preceding Guizot in the presidency. It is not surprising that this organization, where all shades of liberals from the Left Center to the extreme Left united to combat "the persecuting fanaticism which would make of the gentlest of religions and moralities a pact for the subjugation of soul and conscience,"²¹⁰ was looked upon by the police with unloving eyes and suspected of nefarious purposes. In a report of January, 1824, it was described as "a vast league formed recently by Protestants and our non-Catholic liberals to decatholicize France," and in August of the same year Guizot was described as "one of the most ardent members of this sort of sect."²¹¹

Several publishing enterprises enlisted his patronage or his active participation. In 1823 Coste began the publication of the

²⁰⁸Pouthas, pp. 339-342.

²⁰⁹*Ibid.*, pp. 342-349.

²¹⁰Cited from the *Journal* of the Society, X, 199, by Pouthas, *op. cit.*, p. 349.

²¹¹Police reports of 24 Jan. and 4 Aug., 1824, cited Pouthas, pp. 362, 363.

short-lived *Tablettes universelles*. He won Guizot's approbation and enlisted all his following of young writers as contributors, as well as Thiers and Mignet, protégés of Manuel, and a little later several suspended university professors, of whom Dubois and Jouffroy were the most prominent. Charles de Rémusat soon carried the burden of the political articles, and Thiers's irreverent contributions gave the journal its vogue. Coste went bankrupt in spite of the éclat of the *Tablettes*, and its publication was suspended in January, 1824.²¹² It was in a sense revived by the *Globe*, an undertaking first of Dubois and the workman-philosopher Pierre Leroux, but soon dominated by the young writers of the Doctrinaire school—Rémusat, Vitet, Duchâtel, Duvergier de Hauranne, Sainte-Beuve, and others. Thiers was also a contributor. (After reading the first number Goethe thought them all greybeards!)²¹³ Guizot was rather a sponsor than a contributor; he was no dictator of its policies,²¹⁴ but to his doctrines it ascribed its political creed, namely, the sovereignty of Reason as he interpreted it.²¹⁵ It was interested in free trade; it represented the romantic movement in literature, and repudiated the "sensationalist" philosophy of the eighteenth century for a sort of rationalist spiritualism.²¹⁶ But it was political in its inspiration, and more and more political in its tendency. In 1827 Guizot and his friends founded the *Revue française*, a more purely Doctrinaire journal, "consecrated to philosophy, history, literary criticism, the moral and learned studies." Guizot was chief editor; Barante and Broglie supported him loyally, as well as the young men of the Doctrinaire following. Like the *Globe* it was soon to illustrate the difficulty of aloofness from questions of politics in a journal devoted to intellectual freedom.²¹⁷

²¹²Thureau-Dangin, *Le parti libéral sous la Restauration*, pp. 217, 218; Pouthas, 350, 351.

²¹³Thureau-Dangin, *op. cit.*, p. 219.

²¹⁴Guizot to Barante, 17 Sept., 1826, *Souvenirs de Barante*, III, 348.

²¹⁵Issue of 25 Nov., 1826, cited Pouthas, p. 352.

²¹⁶Their respect for religion, says Thureau-Dangin, was a little like that for ruins! *Op. cit.*, p. 222. On the *Globe*, see *ibid.*, pp. 217 ff.; Guizot, *Mémoires*, I, 323 ff.; Rémusat, *Thiers*, p. 28; Mazade, *Thiers*, p. 23; Pouthas, *op. cit.*, pp. 351 ff.

²¹⁷Guizot, *Mémoires*, I, 323; M. de Barante, p. 101; Mme. de Broglie to Guizot 20 July, 1829, her *Lettres*, pp. 168, 169.

Some of the undertakings of the period fell short of fruition. In a letter of 24 January, 1824, to Barante,²¹⁸ Guizot asked his friends' support for an idea he had had in mind since 1819:²¹⁹ "Victor, Auguste, Charles (Broglie, Staël, and Rémusat), Cousin, Dumon, M. Lebrun, some others, and I, should like to form quietly and without title, a little society of the moral and political sciences, which would essay to second and direct the nascent movement toward new ideas in philosophy, in public law, in history and in literature, it would propose a few prizes, give aid in the printing of a few good books or good translations in cases where the young or unknown authors cannot manage it for themselves, would correspond with men in the provinces who are interested in the same ideas, would become a little center for broader and more liberal opinions . . ." The idea encountered opposition, and after several renewed efforts was abandoned for the time being. It was realized later, when, as minister of Public instruction, Guizot created the Academy of Moral and Political Sciences. In October, 1825, he reported to Barante the initiation of an ambitious project which had a brave beginning but a short life. The purpose of the *Encyclopédie progressive* was to publish articles from time to time on subjects of social and political interest by men of recognized competence. Guizot wrote the introductory article on *Encyclopedias as means of civilization*, and two others, Thiers and Constant were among the contributors to the two volumes which appeared in 1826 and comprised the total result of the enterprise.²²⁰

Long afterward, as an old man, Guizot testified that one of the happiest periods of his life began in 1820.²²¹ Nor was it merely retrospective happiness; in 1821 Broglie asked him if he would be content with an eternity of life as it then was, and was answered affirmatively.²²² The happiness of his marriage was more than mere domestic content. His wife's letters to him reveal a passionate and unselfish devotion; his to her leave little to be desired,

²¹⁸*Souvenirs de Barante*, III, 170.

²¹⁹*Moniteur* of 25 April, 1919, cited Pouthas, p. 355.

²²⁰Guizot to Barante, 17 Oct., 1825, *Souvenirs de Barante*, III, 278; Pouthas, pp. 353 ff; Mazade, *Thiers*, p. 31.

²²¹*M. de Barante*, p. 90.

²²²Guizot to his wife "1821," *Lettres*, pp. 33, 34.

and make clear some of the reasons for the singular felicity of his relations with the women who loved him.²²³ They were rich in their friends. Although his association with the younger men involved him in a cooperation with the Left, and finally with the extreme Left, in which his old friends did not accompany him, it in no way cut him off from them. With Barante his friendship was deepened by their common interest in literature and philosophy and especially in the history of France.²²⁴ With the Broglies his intimacy grew ever closer in the decade 1820 to 1830. Madame de Broglie's earlier letters throw a somewhat cold light on his character, but a note of growing admiration runs through them after 1820.²²⁵ In 1825 the Guizots spent several weeks in the chateau at Broglie, and the visit seems to have been memorable for their friendship. A detached and critical tone toward both her guests pervades their hostess's first letter to Barante during their stay; but before their departure she is warmly enthusiastic about both of them; has established a "real intimacy" with the older woman in spite of the disparity in their ages—Madame de Broglie was ten years younger than Guizot and his wife was fourteen years older; and has decided that they are to come to her every summer.²²⁶

Guizot returned to Broglie many times, but after 1826 without Pauline de Meulan. The summer of 1827 was the last of her life. Her frail health had been overtaxed by her writing. After several weeks at Plombières where he had taken her in the vain hope that it was not too late to recover a measure of strength, he brought her back to Paris, where she died on the first of August as he sat beside her reading Bossuet's sermon on immortality.²²⁷ The statement in Larousse that she gave him the highest possible proof of affection in renouncing Catholicism for Protestantism on her death-bed is based on the fact that she requested to be buried with the Protestant service. It is misleading in that there was

²²³E. g., their letters in the late summer and fall of 1821, *Lettres*, pp. 15-35.

²²⁴*M. de Barante*, pp. 90 ff; Guizot to Barante, 12 June, 1825, *ibid.*, p. 54.

²²⁵See, for example, the letters of 12 July, 1819, 23 July, 1822, 16 Sept., 1823, 30 Dec., 1823, *Souvenirs de Barante*, II, 373, III, 26, 125, 159.

²²⁶Letters of 23 Aug. and 25 Sept., 1825, *ibid.*, pp. 266-268, 273, 274.

little if any renunciation on her part. Her Catholicism—if such it could be called—had little of the ecclesiastical about it, and was as much in harmony with Guizot's liberal Protestantism as was the more orthodox Protestant mysticism of the Duchess of Broglie with her husband's Catholicism.²²⁸

For some time before her death Madame Guizot had taken thought for her husband's remarriage. Her favorite niece Élisabeth Dillon had been a frequent guest in the Guizot household in the last years of her aunt's life. She was spirited, charming, and highly intelligent, and when Guizot wrote to Madame Broglie in the summer of 1828 that he was going to marry her, the latter replied that Pauline had given her a "positive commussion" to urge him to remarry, and had confided to her the hope that Élisabeth would be his choice.²²⁹ Soon afterward Guizot took his fiancée to Broglie, whence the mistress of the chateau had written just before receiving his announcement, that he must come as soon as possible, not only for her own sake but for Victor's, "for you know how necessary you are to him, and that his mind is not satisfied without yours."²³⁰ Élisabeth was warmly welcomed, and thereafter each succeeding summer or fall saw the Guizot household transferred to the great house of Broglie until in 1837 Val Richer, a few miles away, was ready for their occupancy.

V

The Villèle ministry, against which, in spite of laws intended to conciliate various shades of public opinion, a storm of opposition had been gathering since the accession of Charles X, was in 1827 in a precarious state. Its reestablishment of the censorship in June caused Chateaubriand and his friends (in opposition since 1824) to form the *Société des amis de la presse* including

²²⁸ See letter of duchess of Broglie 25 Sept., 1825, cited n. 222

²²⁹ 8 Aug., 1828, *Lettres de la Duchesse de Broglie*, p. 166.

²³⁰ 4 Aug., 1828, *ibid.*, p. 164. In October, 1827, she had written. "Our household languishes without you. We do not know very well how to stimulate one another, and your mind, always animated and serious, is indeed indispensable to us. I am convinced that Victor owes it to you that he has been able to work this year with a greater facility, and that to discuss his thoughts with you aids him greatly."—22 Oct., *ibid.*, p. 155.

also many peers and deputies of the Left Center and the Left. Guizot had thought little of politics during the weeks of Pauline's last illness, but after her death he threw himself into the current of opposition. While Broglie, Barante, and Molé supported the *Amis de la presse*,²³¹ Guizot and the young men of the *Globe*, with their friends of the Left and the extreme Left, organized the *Aide-toi, le ciel t'aidera*.²³² It was a political machine which by holding no regular meetings and including a formal membership of less than twenty persons—its central committee—was not obliged to seek authorization from the government. Its object was an organization and education of political opinion in the provinces, against the suspected designs of the Government. The executive committee included Rémusat, Duvergier de Hauranne, Duchâtel, Vitet, Renouard, of Guizot's immediate lieutenants, with Barrot and others of the Left: Guizot was president. Besides the publication and distribution of pamphlets, it undertook to see that no legal electors should neglect to register their names on the jury lists which would be closed on 30 September for a year, during which time none whose name did not appear on the lists could exercise the franchise. Local bureaus were established in the chief towns, and local cooperation was enlisted to great advantage. The authorities were troubled, but saw nothing to do since the proceedings of the society were entirely open and within the letter of the law.²³³

Early in November Villèle, desperately anxious to secure a peaceful session, suddenly created seventy-six new peers, dissolved the Chamber, and ordered new elections in twelve days. The Opposition was deeply stirred by the challenge. The *Aide-toi* became more aggressive. It arranged for surveillance of the local elections to prevent fraud and intimidation; it distributed pamphlets urging the choice of candidates of any shade of the Opposition to defeat the "party of the Jesuits" and to avenge the "Waterloo" of the campaign of 1824.²³⁴

²³¹Pouthas, *op. cit.*, p. 369, n. 2

²³²Guizot, *Mémoires*, I, 327 ff.; Duvergier de Hauranne, *op. cit.*, pp. 295-297; Weill, *Parti républicain*, p. 26; Barrot, *Mémoires*, pp. 79 ff.

²³³For many other details of its activity see Pouthas, *op. cit.*, pp. 371 ff.

²³⁴*Aux électeurs*, 1827, cited by Pouthas, *op. cit.*, p. 375.

The results of the elections surpassed Guizot's expectations. Instead of 80 Liberals and 30 to 40 of the Royalist (Chateaubriand) Opposition,²³⁵ there were more than 170 Liberals and 75 Royalists against about 175 Villèlists. The *Aide-toi* was not the only factor in the victory, but it is highly significant that when the polling took place in mid-November there were twenty-three per cent more electors on the lists than on 15 August.²³⁶

Villèle, failing to reconstitute his ministry in the face of this adverse vote, gave way to the Martignac combination, which was far from Guizot's hope for a coalition of the parties of the Left.²³⁷ The *Aide-toi* preserved its organization, and Guizot retained his presidency, although the young men of the *Globe* resigned from the committee, thinking its mission accomplished, and left their places to be filled by more radical men.²³⁸ During the session of 1828 the Liberals remained distrustful of the ministry, although Martignac made a real effort to conciliate them by a more liberal press law and by a reform in electoral procedure designed to eliminate the fraud of which they complained.²³⁹ In the summer Guizot reviewed the session in an article for the *Revue française* which urged patience and self-control upon the "national party" and revealed an appreciation of the difficulties of the ministry without ceasing to advocate an energetic resistance to the Right.²⁴⁰ The Government had broken indeed with the Right but hesitated to ally itself with the Liberals. The leaders of the *Aide-toi*, considering a reform of municipal government absolutely necessary after the experience of the last elections, began late in 1828 a great investigation of the situation as it was in

²³⁵Guizot to Barante, 18 Nov., 1827, *Souvenirs de Barante*, III, 431.

²³⁶*Archives nationales*, cited Pouthas, p. 378, n. 2 "Next year," wrote the prefect of Toulouse, "we shall not be able to exclude a single liberal elector."

²³⁷Article in *Revue française*, Jan., 1829, cited Pouthas, p. 382.

²³⁸*Ibid.*, p. 383.

²³⁹For the influence of the Doctrinaires on the ministry through their friends in the Right Center, see Barante, *Vie politique de Royer-Collard*, II, 367 ff.

²⁴⁰*De la session de 1828*, reprinted in *Mélanges politiques et historiques*, pp. 483 ff.

the departments,²⁴¹ where the Villèle ministry had made use of the patronage to reward its political partisans and to assure the loyalty of local officials. In February, 1829, Martignac proposed a timid reform which was denounced by the *Globe*. Because of his long-recognized interest in the reform, Guizot was consulted by the Liberals on the parliamentary commission to which the Government project was referred, and they decided to present a counter-proposal. Guizot wrote their report,²⁴² which was presented to the Deputies 19 March.²⁴³ The ministry refused to accept Liberal dictation, withdrew its own bill, and dragged on languidly until the end of the session, without being able to conciliate either the extreme Royalists or the groups of the Left. In its greatest need the Liberals lifted not a finger to save it.²⁴⁴

Guizot had profited personally by the accession of Martignac. The resumption of his course in European history had been authorized in 1827,²⁴⁵ and late in 1828 he began for the third time a series of lectures at the Sorbonne.²⁴⁶ His prestige as a writer and as a liberal insured him a large following; the ferment of the Romantic movement with its keen curiosity about the past, assured the interest and responsiveness of his audience. The solid scholarship of his lectures, their masterly organization, and the art with which he retraced the development of European institutions, were made more impressive by the dignity of his pres-

²⁴¹Letter sent out by the secretary of the Society, reports of prefects on its activities, articles in the *Moniteur* 9, 12 Dec.; cited Pouthas, pp. 388, 389.

²⁴²Broglie, *Souvenirs*, III, 197; Duvergier de Hauranne, *op. cit.*, X, 129. *Archives parl.*, LVII, 578 ff.

²⁴³Thureau-Dangin (*Parti libéral pendant la Restauration*, pp. 441 ff.) blames the Liberals severely for their intransigence toward Martignac. In his *Mémoires*, Guizot declares that they should have accepted the concessions. (I, 339.) But Pouthas defends their position in 1829. (*Op. cit.*, pp. 391 ff.) Cf. Bourgeois in *Cambridge Modern History*, X, 93 ff.

²⁴⁴And the title, though not the functions, of Councilor of State was restored to him. Guizot, *Mémoires*, I, 335.

²⁴⁵Thureau-Dangin cites a passage from his opening lecture which illustrates his feeling about the political situation before the session of 1829: "All is changed and for the better," he said; "seven years ago we entered this place filled with disquietude . . . Today we all come, you as well as I, with confidence and hope, our hearts at peace and our thoughts free."—*Op. cit.*, p. 402.

ence, the brilliance of his eyes, and the wonderful voice which the great Rachel is said to have admired for its dramatic qualities.²⁴⁷ The course marked an epoch in his influence on the young men of France. At the same time Villemain and Cousin were attracting like numbers and enthusiasm for their lectures on literature and philosophy. The extraordinary intellectual ardor of the day—the springtime of the century—is attested by the fact that the brilliant trio of professors rivalled the theater in popularity.²⁴⁸

²⁴⁷Sainte-Beuve, *Nouveaux lundis*, I, 117.

²⁴⁸On the courses, and especially Guizot's, see his *Mémoires*, I, 335-337; Weill, *Monarchie constitutionnelle*, p. 100; Sainte-Beuve to Loudière 6 and 22 Dec., 1828, *Correspondance*, pp. 10, 11, 14. For the attitude of one of his hearers see Doudan to Guizot dated simply 1830, *Mélanges et lettres*, I, 155.

CHAPTER II

1830 AND ITS AFTERMATH

I

The last of the Bourbon kings of France faced in 1829 the same necessity for choice between Ultra-Royalists and Constitutionalists, between the men of the *ancien régime* and the representatives of the new nation, which had confronted his brother in 1816. Louis XVIII had hardened his heart against his old friends and dissolved the *Chambre Introuvable* in the interests of the French people and his own security. Charles X made the other choice. In the face of the parliamentary majority which had just defeated Martignac, he called upon Prince Polignac to form a ministry that was a challenge to the nation. The spirit of hostility and distrust was quickened. No one in France knew what was going to happen—Polignac and the King least of all—but the minister's inaction and indecision were not reassuring so long as imprudent zealots of his party talked of dictatorships and *coups d'état*. Everyone anticipated a struggle in the next session of the Chamber. Guizot was hopeful that it would issue happily, and was sure that it would "decide many things."¹ The *Aide-toi, le ciel t'aidera* girded itself anew to resist a violation of the Charter. Guizot, who had neglected to attend its meetings in 1828, resumed an active presidency, undaunted by the somewhat more radical character it had taken on in the interval. The society reorganized its local committees and began an energetic campaign similar to that of 1827; it was a factor in Liberal success in several by-elections in the fall, and by the end of 1829 was ready for the next general elections. Its effort to arouse the country to a refusal of taxes in case the government remained stubbornly unconstitutional (to which Guizot contributed not only perhaps the original idea through his studies of the English Revolution, but his active support in articles for *le Temps*)² was less successful, but was an important factor in educating public opinion.

¹Letter to Barante 21 Aug., 1829, and 21 Sept., *Souvenirs de Barante*, III, 502; de Witt, *Guizot*, p. 108.

²Pouthas, *Guizot pendant la Restauration*, p. 430.

In 1827 Guizot had become eligible to the Chamber in respect of age, but in the anxiety and grief of that summer and autumn had neglected to qualify as a property-holder in time for the elections of that year.³ He had therefore to wait for the chances of a by-election. After two failures to secure nomination, the death of the representative from the fourth arrondissement of the Calvados gave him his opportunity late in 1829. He solicited and was at once accorded the patronage of Lafayette—whose prestige gave him influence with the Opposition in any locality—and of Dupont de l'Eure, an advanced Liberal well-known throughout Normandy. The Duke of Broghe, the pride of the countryside as the only Peer who had voted against the execution of Marshal Ney, was a pillar of strength among the landowners. Bignon, of the extreme Left, lent his aid in securing local notables. In spite of these powerful sponsors there were difficulties. The *Calvados* was one of the richest and most conservative departments of France. The prosperous Norman proprietors—the merchants and industrialists were landowners also, and electors by virtue of that fact—had always been strongly Royalist; but fear of a restoration of primogeniture and of a clerical reaction had made it possible for the *Aide-toi* to gain some ground in 1827. The Martignac Government had, however, appeased the fear of counter-revolution. Intellectual apathy and stagnation prevailed, especially at Lisieux; a liberal candidate's main strength must lie in the fact that the district did not want to change such mildly liberal institutions as they had become accustomed to in fifteen years. But they were more inclined by habit to accord their suffrages to wealth or title than to intellectual eminence. And worst of all, Guizot was an outsider. No one knows him—his opponents said—he is a Southerner, a Protestant, a Swiss! He comes from a wine-country: what will he do for Norman cider? He comes from a sheep-raising country: what protection will he give to Norman beef? He lives at Paris: he will discriminate against our trade and industry in favor of the capital He was called upon to declare himself on such questions, but he evaded specific promises, and in a circular addressed to the electors, he proclaimed his devotion to the constitutional monarchy

³Letter to Barante 18 Nov., 1827, *Souvenirs de Barante*, III, 431.

and the Charter, to the maintenance of order and progress, to peace and the resistance of despotism. He recalled his experience in administration and his record during ten years out of office. In other words he asked them to vote on his record, not on his program; for he had none to announce. The local managers of his campaign were able and influential, and he found himself sufficiently fortified to refuse any positive engagement to the Left when upon reflection its leaders felt some uneasiness as to their first unqualified endorsement of him. The Government thought better of entering an official candidate in the district, Chateaubriand commended him to his following in the district, the three local candidates made a poor race, and Guizot won (24 January) by 281 votes out of 446 in the electoral college.⁴ He had the satisfaction of winning every vote of the Left and the Left Center, and twenty of the Right Center.⁵ His friends were happy,⁶ and his students jubilant. He had remained in Paris during the campaign, delivering his lectures at the Sorbonne. On the morrow of the news of his election, as he entered the hall, his audience rose and broke into applause. "I thank you for so much good-will," he responded, "I am deeply touched by it. I ask two things of you: the first, to keep it for me always; the second, not to show it thus again. Nothing of what passes outside should find an echo in these walls, we come here for the sake of knowledge, of pure knowledge; it is essentially impartial, disinterested, stranger to all external events, great or small. Let us preserve this character for it always. I hope that your sympathy will follow me in the new career to which I am called. I shall dare even to say that I count on it. Your quiet attention here is the best proof I can receive of it."⁷

⁴Unless otherwise indicated, the account of Guizot's election is based on Pouthas, *Les élections de Guizot dans le Calvados*, pp. 404-18. The study is based chiefly on local official documents and newspapers, and on personal letters. Guizot's own brief account in the *Mémoires* (I, 342-43), by the omission of details, gives the impression that he was elected without effort or activity on his part.

⁵Letter to Barante 28 January, 1830, *Souvenirs de Barante*, III, 539.

⁶Letter Barante to Guizot, 31 Jan., Val Richer, *Correspondance*, cited Pouthas, *Guizot pendant la Restauration*, p. 417.

⁷Guizot, *Mémoires*, I, 343-344.

With the convening of the Chambers in March, 1830, the cherished hope of the Doctrinaires that the ministry would give way quietly, speedily appeared ill-founded. The royal discourse contained a threat, and was received coldly by the Opposition majority.⁸ Its leaders awaited the Address of the Peers in reply to the Crown, and found it disappointingly lacking in explicitness and energy.⁹ The committee of the Deputies which drafted their reply was headed by Royer-Collard; his strong sense of loyalty insured a tone of affection and respect, while his perception of the gravity of the situation counselled clearness beyond the possibility of misunderstanding.¹⁰ The Address as reported to the Chamber declared that the essential harmony between the views of the ministry and the will of the people was lacking; it qualified as unjust the distrust of the people shown by the Government, and quoted the most striking sentence of the Peers' address: "No Sire, France no more wants anarchy than you want despotism."¹¹

In the debate Guizot made his début at the tribune of the Chamber to support the Address, while Berryer, likewise newly elected, began his brilliant career as a parliamentary orator in defence of the ministry.¹² Guizot declared that the royal authority was compromised by the inactivity of the cabinet; that the true friends of the monarchy had been driven into opposition; that public opinion was abnormally perturbed, although the surface calm might give little warning to the administration. The clearness and force of the Address must be maintained. "Let us take care" he concluded ". . . not to enervate its statements; let them be respectful, let them be tender; but let them not be timid nor uncertain. Truth finds it hard enough to penetrate the palace of a king; let us not send her there feeble and pale; let it be as impossible not to recognize her as to fail to comprehend the loyalty of our sentiments."

⁸*Archives parlementaires*, LXI, 543-544. Guizot, *Mémoires*, I, 355.

⁹*Archives parlementaires*, LXI, 554-555. In the discussion Broglie gave voice to opposition, but the prevailing tone was one of extreme reticence.

¹⁰Guizot, *Mémoires*, I, 358.

¹¹*Archives parlementaires*, LXI, 618-619.

¹²16 March, *ibid.*, pp. 600-602; 604-605.

It was a discourse of warning, in the tone of Royer-Collard rather than of the prevailing mood of ardent opposition. An interesting comment on it by Mme. Guizot shows that she would have preferred a clearer-cut position. "I perceived"—she wrote in her *Souvenirs de la Revolution de Juillet*¹²—"what I have often rediscovered since, the difficulty of making him abandon an idea peculiarly his own, new and profound, for considerations of success and policy. I found, and told him when he talked with me about the plan of his speech, that since he was already sufficiently known as a man of government, it was as an opponent that he ought to seek to show himself, and that a little more ado about liberty would suit his situation better. He agreed, added perhaps two or three words in that sense, cut out as many, and believed that he had made a great sacrifice to the taste of the moment; the truth is that he had done nothing of the sort and that the speech was striking for its eloquence, for its views, and for its spirit, but did not have the success as an act of opposition that we ought, I believe, to have sought."

The Address was voted by 221 to 181. Guizot was one of the deputies who went to the Tuileries on the eighteenth of March to present it to the King. They awaited his return from morning mass in one of the great salons, where pages and courtiers ignored them with studied indifference, and were finally received in the throne-room, where Royer-Collard, as President of the Chamber, read the document with imperfectly-suppressed emotion.¹⁴ The royal response was dry and brief. "Gentlemen, I announced my resolutions in my discourse . . . Those resolutions are inalterable." Such were its most significant words.¹⁵ The next day the Chamber was prorogued.

An article by Guizot in the *Revue française* shortly thereafter¹⁶ reveals how far he was from approving the campaign begun by the *National* in January against the Bourbon monarchy, and from anticipating the revolutionary course of events. He declared indeed that the Government must choose between a change of policy and a resort to *coups d'état*; but he believed that a firm op-

¹² Archives of Val Richer, cited Pouthas, *op. cit.*, p. 421.

¹⁴ Guizot, *Mémoires*, I, 364-65.

¹⁵ *Archives parlementaires*, LXI, 619.

¹⁶ March, 1830. Summarized in Pouthas, *op. cit.*, pp. 430 ff.

position could induce a change of policy. If the Chamber should be recalled, it would have, in its power to refuse the budget, a weapon that could be used to avoid any need to resort to force. If, however, the Government should order a dissolution and attempt to govern without a parliament, or to secure another by ordinance, the country would have legality on its side in refusing to pay taxes. Resistance could be passive; the ministry would have to yield or take the responsibility of a resort to force.

Polignac avoided making the inevitable choice, for the moment, by dissolving the Chamber in May and ordering new elections for July. The implication that he would accept the verdict of the electors seemed clear. The Opposition accepted the challenge with eagerness. The leaders of the *Aide-toi* went where they could do most good. Since Lisieux did not demand Guizot's presence, his election being considered a foregone conclusion,¹⁷ he spent the month preceding the balloting at Nîmes, where he had the task of firing with his own enthusiasm the apathetic Liberals of the Gard, and the satisfaction of success. One of his friends, Daumant, was chosen at Nîmes, and the departmental college elected two Liberals in a close contest.¹⁸ The result of the elections as a whole was not to reverse the majority as the Government had hoped, but to increase the Opposition. Guizot's letters written during his stay in the South show the anxiety with which he anticipated the session and the struggle it might bring.¹⁹ Would the King at last see the light?

Shortly after the elections, Pozzo di Borgo, going to an audience with the monarch, is said to have found him seated at his desk with his eyes fixed upon the fourteenth article of the Charter.²⁰ He found there what he sought, and in spite of warnings from Tsar Nicholas and Metternich—strange counselors of moderation—he resolved to use the ordinance-making power to accomplish a *coup d'état*. On the eve of the Ordinances, Berryer is said to have asked Polignac where his support was, and to have

¹⁷He was reelected by 330 votes out of 502. Pouthas, *Élections de Guizot*, p. 22.

¹⁸Guizot, *Lettres*, pp. 81-87; *Mémoires*, I, 367 ff. Pouthas, *Guizot pendant la Restauration*, pp. 434-438.

¹⁹E. g., letters of 12 and 16 July, Guizot, *Mémoires*, I, 369-70.

²⁰*Ibid.*, p. 374.

been told by the minister that the Virgin had appeared to him, and promised to save the good cause.²¹ Thus, like somnambulists, Charles X and his ministers proceeded to the edge of the abyss.

The Ordinances of 26 July summarily suspended the liberty of the press, dissolved the Chamber which had just been elected, altered the voting qualifications so as practically to limit the franchise to the great land-owners, and ordered new elections. This was to use the Charter to nullify the rights guaranteed by it. Resistance was imperative or the cause of constitutional government was lost.

II

At Pouilly on 26 July, on the way from Nîmes to Paris, Guizot heard the news of the Ordinances.²² He arrived in Paris on the morning of the twenty-seventh, the day which saw the preparations for hostilities between the insurgents—workingmen and students aroused to action by the manifesto of the Liberal journalists on the twenty-sixth²³—and the inadequate troops of Charles X under Marmont. The newly-elected deputies, uncertain as to their legal status—having none if the Ordinances should stand—found thus, on reaching the capital, a movement under way which was the result of the logic of events as they had helped to shape them, but with which most of them were unsympathetic. Guizot was ready for a bold program of legal resistance, but he was not prepared for revolution, and was slow in recognizing it as an accomplished fact. He found that the deputies present in Paris had met on the day before his arrival without reaching any decision as to what should be their line of action, except that they should meet again on the morrow at the house of Casimir Périer.²⁴ In Guizot's quiet street—*rue de la Ville l'Evêque*—the insurrection seemed unreal. At three o'clock he went to the rendezvous, and there thirty timid and uncertain deputies decided

²¹Lacombe, *La Jeunesse de Berryer*, p. 376, cited Weill, *La Monarchie constitutionnelle*, p. 39.

²²Guizot, *Mémoires*, II, 3.

²³Issued and signed by Thiers, Mignet, Carrel, Rémusat, and many other Opposition journalists—*Archives parlementaires*, LXI, 641.

²⁴*Ibid*

to draw up a protest against the Ordinances: Guizot was commissioned to bring a suggestion for it to a meeting the next day at the house of Puyraveau.²⁵ The next morning at five o'clock Louis de Guizard came to Guizot with news that the people had seized arms and built barricades during the night and were demanding leaders.²⁶ In the course of the morning, while he prepared his protest, Cousin, Rémusat, Casimir Périer, Broglie, and later, Thiers, Mignet, and Carrel came to his house and discussed the situation.²⁷ The young men were eager to have the peers and deputies in Paris put themselves at the head of the insurrection. The older ones, Broglie, Périer, Cousin, were as strongly opposed. Guizot walked to Puyraveau's with his protest through barricaded streets; the meeting was held in a room on the ground floor, with the crowd pressing at the doors and windows, and was constantly interrupted by intruders with news of the progress of the uprising. Guizot's draft—a protest and nothing more, including expressions of devotion to the King²⁸—was adopted after dissent from those who thought it too weak and from others who found it too strong. Accepting his idea that the deputies should make themselves mediators between the Government and the people, five of their number were sent to Marmont to state their position.²⁹

At the meeting in the afternoon, the number was reduced by the absence of those timid ones who were rendered cautious by the altered situation, for Marmont seemed to be gaining the upper hand. At Guizot's suggestion, not only the names of those present, but those of others known to agree, were attached to the protestation, so that it carried sixty-three signatures.³⁰ The only change made in Guizot's text, in recognition of what was going

²⁵*Ibid.*, p. 5; Duvergier de Hauranne, *Histoire du gouvernement parlementaire*, X, 546

²⁶Notes of Mme. Guizot, cited Pouthas, *Guizot pendant la Restauration*, p. 445.

²⁷Notes of Mme. Guizot, cited Pouthas, *op cit.*, p. 445; Broglie, *Souvenirs*, pp. 287-88.

²⁸For the text see Guizot, *Mémoires*, II, 369, 370.

²⁹Guizot, *Mémoires*, II, 5, Béraud, *Souvenirs*, 80 ff., and other accounts cited Pouthas, *op cit.*, p. 446

³⁰Guizot, *Mémoires*, II, 5, Bérard, *Souvenirs*, p. 451, cited Pouthas, p. 449.

on outside, was the omission of the phrases of respect addressed to the King. Guizot returned to his wife to find her in torturing anxiety after visits and reports of the conflict from Broglie, Rémusat, Guizard, and Périer. The last-named had come to see that the people must be reckoned with, and that the Opposition leaders must not desert them. Guizard had brought word of the prospects of Marmont's success. Leaving Élisa with instructions as to what to do in case of disaster, Guizot, almost ill with fatigue and strain, returned to the appointed evening meeting to find only some ten deputies present; the situation was adjudged too uncertain for any new decisions, although Laffitte made tentative mention of the Duke of Orleans.³¹

Through these first two days after his return to Paris Guizot had clung to his preconception of the right course to follow. Broglie, Sébastiani, and others had reinforced him in this attitude. But two other considerations must have influenced him in a contrary direction. The first was the eagerness of the young men, not only Rémusat and Guizard, but Thiers, Mignet and Carrel as well, who had learned to look to him in the old Opposition, and especially in the *Aide-toi*, for bold and energetic leadership. The second was the insurrection itself: the barricades, the cannon, the bloodshed, the suggestion by the revolutionary deputies like Mauguin of the need for a provisional government. On the third day—the twenty-ninth—when the retreat of Marmont toward Saint-Cloud left the insurgents in possession of Paris, Guizot took the initiative in a meeting of deputies at Laffitte's, and proposed that Lafayette should accept the command of the National Guard and that a Municipal Commission should be created to restore and maintain order in the city.³² The proposal was accepted with enthusiasm; five deputies were chosen for the Municipal Commission, and followed Lafayette to the Hotel de Ville. There, as soon as installed, they set to work to organize a new city government, appointing new administrative officials from the leaders of the *Aide-toi*.³³ On that evening the deputies lis-

³¹Broglie, *Souvenirs*, III, 294 ff.; notes of Mme. Guizot, cited Pouthas, *op. cit.*, p. 450; Guizot, *Mémoires*, II, 5, 6.

³²Duvergier de Hauranne, *op. cit.*, X, 575; Blanc, *Ten Years*, I, 151.

³³Polignac, in his *Souvenirs*, credits the *Aide-toi* with rendering service in saving the situation from anarchy.—Pouthas, *op. cit.*, p. 454.

tened to messengers from Charles X offering the withdrawal of the ordinances and the constitution of a new ministry including Casimir Périer and Gérard: and were so far disposed to accept the offer as to send d'Argout back to Saint-Cloud in the night with a statement of their terms.⁸⁴

But on the thirtieth it became clear that Charles X had lost his throne. The placards of Thiers and Mignet posted that morning, advertising the candidacy of the Duke of Orleans, aroused the Republicans to demonstrations that made it evident at least that the Bourbons and the people of Paris could not be reconciled. Early in the afternoon the Municipal Commission took it upon themselves to proclaim the overthrow of the dynasty; delegations of the people urged Lafayette to put himself at the head of a Republic. It was manifest that the idea of the sovereignty of the people might easily take possession of the populace of Paris.

At noon on that day the deputies met at the Palais-Bourbon feeling that a grave decision must be made and must be given all possible prestige. After sending five of their number to consult with the Peers, Guizot being one of the five, they voted (47 to 3) to offer the Duke of Orleans the title of Lieutenant-General of the Realm. Then, after rejecting two texts as unsatisfactory, they charged Guizot with drafting their invitation to the Duke.⁸⁵ Louis-Philippe came to Paris from Neuilly in the night, and signified his acceptance the next morning.

There was anger at the Hotel de Ville at this flagrant disregard of the sovereign people, and Lafayette was offered the presidency of a Republic to be proclaimed forthwith. Rémusat and Barrot persuaded him to postpone his answer. Thiers dissuaded the young Republicans of the *National* from rash measures.⁸⁶ The Deputies, realizing their mistake on the day before, now (the thirty-first) issued a proclamation to the people of Paris to explain their dealings with the duke of Orleans, charging Guizot again with the wording.⁸⁷ It began, "Frenchmen, France is free," and declared that the people of Paris had won by fighting

⁸⁴Pouhas, *op. cit.*, p. 455; Guizot, *Mémoires*, II, 8.

⁸⁵For this meeting see Guizot, *Mémoires*, II, 9, 10; Blanc, *Ten Years*, I, 170-171; Pouhas, *op. cit.*, p. 458; *Archives parlementaires*, LXI, 644.

⁸⁶See Pouhas, p. 460, for these details.

⁸⁷Blanc, *Ten Years*, I, 184; *Archives parlementaires*, LXI, 646.

the cause which had won the elections in vain, that now a government which would guarantee the rights so bravely defended was the sole need of the nation. Hence the deputies in Paris, pending the regular intervention of the Chamber, had called the Duke of Orleans to act as Lieutenant-General. "He will respect our rights for he will hold his own from us." (This last phrase Guizot was with difficulty persuaded by Benjamin Constant and Bérard to include.)⁸⁸ Then followed a list of subjects for future legislation, as guarantees that the Revolution should not be cheated of its gains: the reorganization of the National Guard with provision for election of officers, elective reforms in local administration, the jury for press offences, the responsibility of ministers, the reelection of deputies appointed to public office.

At some time during the day of 30 July, Guizot came to the conclusion that a change of dynasty was necessary in order to stay the revolution and avert the Republic. How important a factor in the situation his decision was can be surmised from the eagerness with which the deputies at Lafitte's accepted his initiative in the proposal of a Municipal Commission, from the part assigned him in the drafting of the protest, the invitation, and the proclamation, from the decisiveness of the meeting at the Palais Bourbon on the thirtieth, in which he threw his influence unreservedly to the Orleanist solution; and lastly from the reasonableness of the conjecture that his position carried great weight with the young men who had been accustomed in the *Société de la morale chrétienne*, in the *Aide-toi*, and at the Sorbonne, to acknowledge his leadership.

When the Duke of Orleans, on the thirty-first, repaired to the Hotel de Ville and obtained from the guileless Lafayette and from the crowd in the street below an investiture which he deemed necessary with the "sovereign people" still in arms, Guizot was one of the eighty deputies who escorted him thither. He retained a vividly unpleasant impression of the jostling crowd, good-natured for the most part, shouting, jeering, dancing, and singing the *Marseillaise*. The whole proceeding seemed to him humiliating and undignified enough.⁸⁹

⁸⁸Bérard, *Souvenirs*, p. 139, cited Pouthas, *op. cit.*, p. 461.

⁸⁹Guizot, *Mémoires*, II, 29

On the same day, the Municipal Commission, wishing to guarantee as far as possible the gains of the Revolution, named a ministry under the designation of provisional commissioners. On a list containing the names of Dupont, Gérard, Bignon, Louis, and Broglie, Guizot was named for Public Instruction.⁴⁰ Broglie refused an appointment from such a source, as had Casimir Périer earlier,⁴¹ but Guizot accepted. On the next day (1 August) Louis-Philippe was induced by a group of the conservatives to announce a new list of provisional commissioners, for purely administrative functions, reserving great affairs of state to a council comprised of Dupin, Sébastiani, Périer, Broglie, and later, Molé, none of whom had compromised themselves by association with the popular movement.⁴² It is significant that Guizot was named Provisional Commissioner at the department of the Interior rather than a member of the Council.⁴³

The Chambers assembled on 3 August. A speech from the Lieutenant-General took the place of the accustomed royal discourse.⁴⁴ It was composed by Guizot,⁴⁵ represented the prince as a barrier against anarchy, and promised the country an honest and just administration devoted to the various interests of the nation and to the maintenance of peace with other nations. Outside the Chamber the Republicans and the more advanced of the old Opposition were aroused at the conservative trend of the Orleanist movement, and determined not to accept Louis-Philippe as king without further guarantees of liberal reforms. The first suggestion of a revision of the Charter came from Bérard. But the Conservatives so managed it that the actual work of revision was entrusted to Broglie and Guizot,⁴⁶ who altered Bérard's plan in a more conservative sense, except in adding a provision to exclude the peers who had been named by Charles X to thwart the Opposition. On the sixth, Bérard read the modified proposal to

⁴⁰*Archives parlementaires*, LXI, 645.

⁴¹Broglie, *Souvenirs*, III, 335; Pouthas, *op. cit.*, p. 462, n. 2.

⁴²Broglie, *Souvenirs*, III, 359 ff. Pouthas, p. 463.

⁴³*Archives parlementaires*, LXI, 648; Guizot, *Mémoires*, II, 30.

⁴⁴*Archives parlementaires*, LXIII, 28.

⁴⁵Broglie, *Souvenirs*, III, 381.

⁴⁶Bérard, *Souvenirs*, pp. 188 ff., cited Pouthas, *op. cit.*, p. 467; Broglie, *Souvenirs*, III, 390 ff.

the Chamber, with certain counter-modifications of his own,⁴⁷ and the discussion began at an evening session troubled by the consciousness of Republican demonstrations against their assumption of constituent powers. That the revision was not adopted or rejected precipitately in a stormy session was due to Guizot's suggestion that the report be printed and distributed for more careful reading, and the discussion deferred until the next morning.⁴⁸

At dawn the next day Guizot sent Rémusat and Duvergier de Hauranne to Lafayette to ascertain whether the hereditary of the peerage could be left unaltered without causing an uprising. They encountered a group of ardent young members of the *Aide-toi*, had an amicable conference with them and with the General, and returned to tell Guizot that there would be no insurrection.⁴⁹ After an interview, however, with the Duke of Orleans, in which he learned that Louis-Philippe would under no circumstances sanction the suppression of a popular uprising, and after finding that, on the other hand, his colleagues in the Government were strongly opposed to any concession to the Republicans, Guizot advocated a compromise which pleased everybody. The question of the peerage was expressly deferred until the session of 1831.⁵⁰ The project for revision was adopted that morning when the Chamber met, with little discussion and only slight changes.⁵¹ It included a declaration that the throne was vacant in fact as well as in name, and an invitation to the Lieutenant-General to accept it with the altered constitution. The chief changes in the Charter were as follows: the preamble which had made the document appear as a grant of the monarch, was suppressed, as was the article declaring Catholicism the religion of the State; the guarantee of freedom of the press was strengthened; the ordinance-making power of the king limited; the initiative in legislation declared to belong to the king and the parliament; the mini-

⁴⁷*Archives parlementaires*, LXIII, 52, 53; Bérard, *Souvenirs*, pp. 210 ff., cited Pouthas, p. 469.

⁴⁸*Archives parlementaires*, LXIII, 60.

⁴⁹Duvergier de Hauranne, *op. cit.*, X, 665 ff.

⁵⁰Pouthas, *op. cit.*, pp. 470-71.

⁵¹*Archives parlementaires*, LXIII, 61 ff. The Peers assented later in the day. *Ibid.*, p. 89. For the text of the revision, see *ibid.*, p. 58.

mun age for deputy reduced to thirty years, and for elector to twenty-five, other qualifications to be determined by future legislation; and the creation of extraordinary tribunals forbidden. Legislation was promised on certain specified subjects, of which the most important were the application of the jury to press offenses, the responsibility of ministers and other agents of the government, the reelection of deputies appointed to public functions, annual voting on the army contingent, the introduction of the elective principle into local government, and public education.

The question of a plebiscite to secure ratification of the new dynasty and of the amended Charter was brought up when the Bérard proposition was being discussed in council. Broglie and Guizot opposed it, not in fear of an adverse vote, but because it would give implicit sanction to the theory of popular sovereignty, and because to their minds, a plebiscite smacked of insincerity and Bonapartism.⁶²

It has often been pointed out that the Revolution of 1830 was disastrous not only for the Bourbons, but for the cause of constitutional monarchy in France. It would perhaps be juster to say that the reactionary *coup d'état* planned by Charles X and his advisers was the disaster. Guizot's misgivings at the march of events in the last days of July were not unwarranted. Republican hopes were aroused only to be disappointed. The Liberal Opposition of the preceding decade was split; the moderates became the conservatives of the Orleanist period, while the radicals went into Opposition with the Legitimists. The revolutionist character of this new Opposition made so difficult the attainment of security for the new monarch that its friends were stiffened by their Sisyphean task to resist changes which as the years passed were made irresistible by the democratic tendencies of the century.

But what if the revolutionists had not been disappointed? What if the French government had fallen into Republican hands? On the sixth of August, as Guizot was walking to the Palais Royal to a meeting of the Council, one of the young Re-

⁶²Guizot, *Mémoires*, II, 24 ff.; he cites Lafayette's testimony that the great majority of the French people approved the results of the Revolution. For Broglie's scorn of a plebiscite, see Thureau-Dangin, *La Monarchie de Juillet*, I, 42.

publican leaders put a paper into his hands, begging him with deep emotion in his voice to give it serious attention. It contained the program of the Republicans of Paris. "We must be national and strong, before anything else Discussions will be interminable The Chamber of Deputies is bad The Government, whatever it be, must act as quickly as possible Let the Lieutenant-General propose to the Chamber of Deputies *alone*, this evening or tomorrow, a republican Constitution of royal form, and a Declaration of rights, to be submitted for acceptance by the communes . . . within six months Let us march boldly toward the Rhine; let us carry the frontier to it, and let us continue the national movement by war At this price, we the Republicans promise to the service of the Government our persons, our capacities, and our energies, *and assume responsibility for domestic tranquillity.*" Such were the chief provisions of the document.⁵³ This mixture of the Republicanism of 1793 and of Bonapartism, without the European situation which evoked and justified the one, or the indispensable factor—a Napoleon—to give dignity to the other, seemed to Guizot the new enemy. From 1814 to 1830 he had fought reaction; now the Counter-Revolution was conquered, but not as he would have conquered it. For the rest of his political life he was doomed, by his fidelity to his political ideals, to resist the combination of Bonapartist chauvinism and democratic aspirations which characterized the Orleanist Opposition.

III

The first Orleanist ministry was formed 11 August; it depended solely for its unity on the imperative need to set the wheels of administration going and to gain time for the appeasement of revolutionary agitation.⁵⁴ Dupont, Laffitte, Bignon, and General Gérard represented the old Left; Sébastiani, Broglie, Molé, Louis, Dupin, Guizot, the old Left Center; Casimir Périer, of the Left during the Restoration, had allied with the more conservative group during the July days. Guizot, at the ministry of

⁵³Guizot cites the entire text in the *Mémoires*, II, 32-33. The original document is at Val Richer.

⁵⁴Broglie, *Souvenirs*, IV, 17.

the Interior, a strategic post because of its control of appointments, and Broglie, with the modest portfolio of Public Instruction and Public Worship, acted in concert during the three months' duration of the cabinet as leaders of the policy of resistance to the revolutionary current. In some respects, as would be expected from their divergence during the Restoration, Broglie was distinctly more conservative than his friend;⁵⁶ he was also more pessimistic as to the success of a government of the golden mean.⁵⁶ Guizot's mind was "full of the Revolution of 1688 in England, and of its success."⁵⁷

An immediate responsibility of the Minister of the Interior was the delicate matter of getting Charles X out of France, which was imperative for his own safety as well as for the peace of the new government. Anxious letters passed back and forth between Guizot and Odilon Barrot, who escorted the old gentleman on his pathetic but too leisurely trip to Cherbourg.⁵⁸ The minister's letters are solicitous not only for the deposed king's safety but for Barrot's own, and indicate the cordial relations between the two men on the morrow of the revolution.

The functions of the department of the Interior were still, as they had been in the early years of the Restoration, bewilderingly extensive. The administration of departments and communes, police, the National Guard, public works, public institutions of charity, agriculture, industry, commerce, sciences, letters, and arts—in short, most of the great material and moral interests of the country, in so far as the government concerned itself with them—were under the superintendence of the department of the Interior.⁵⁹ The July Revolution had paralyzed all these activities and had made inevitable many changes in the personnel of the army of functionaries. The new minister arose at dawn to give audience to the importunate place-seekers who thronged to Paris

⁵⁶E.g., he disapproved of Guizot's position that the principle of the double vote must be abandoned. *Ibid.*, pp. 46, 47.

⁵⁷See letter Mahul to Dejean, 8 Oct., 1830, Jeanjean, *Guizot et Mahul*, p. 80.

⁵⁸Guizot, *Mémoires*, II, 19

⁵⁹*Ibid.*, pp. 38, 39. Barrot, *Mémoires posthumes*, I, 156-57.

⁶⁰Guizot, *Mémoires*, II, 52.

to "shake the young tree of freedom."⁶⁰ The day was then filled with the regular business of the department and its enormous correspondence, with attendance at the Council, and with his duties in the Chambers, which met daily, except Sunday, at an hour which varied from noon to two o'clock, and sat until five or six or even later. He allowed himself only four or five hours of sleep daily, and fatigue became so visible in his face that Casimir Périer warned the King not to let M. Guizot kill himself at once in his service.⁶¹ Broglie, in his *Souvenirs*,⁶² declares that Guizot bore the burden of the Government. The Opposition indeed found fault because, as they said, some of the ministers did nothing, and "one" did too much.⁶³

The problem of appointments was made difficult by the undue pressure brought to bear on the Minister of the Interior to replace the administrative officials of the Restoration with adherents of the new régime. Here Guizot was criticised for not doing it fast enough.⁶⁴ A report to the Chambers on 18 September, however, showed that 76 prefects out of 86 and 196 sub-prefects out of 277 had been replaced, with a similar proportion of officials of lower rank.⁶⁵ Guizot's years of association with liberals of every shade, in the philanthropic societies and in the *Aide-toi*, served him well in the task. But it goes without saying that not all the new incumbents were worthy. Louis-Philippe wrote to his minister on one occasion: "I am sorry to have to inform you that two of our new sub-prefects came here yesterday to the Palais Royal absolutely drunk and were hooted by the National Guard."⁶⁶ It is safe, however, to credit Guizot's asseveration that he tried to find moderate, intelligent, and energetic men.⁶⁷

⁶⁰Expression from a contemporary letter, cited Hillebrand, *Geschichte Frankreichs*, I, 40.

⁶¹Guizot, *Mémoires*, II, 53. See letter also of Mme. Guizot to her sister, 22 Oct., 1832, *ibid.*, III, 52.

⁶²IV, 57.

⁶³See a reference by Casimir Périer to this criticism in the Chamber 30 Sept., *Archives parlementaires*, LXIII, 739.

⁶⁴Guizot, *Mémoires*, II, 53.

⁶⁵*Archives parlementaires*, LXIII, 486; Guizot, *Mémoires*, II, 373 ff.

⁶⁶*Ibid.*, p. 55.

⁶⁷For the entire period of the constitutional monarchy, according to Weill, the probity and professional honor of the body of functionaries as

He resisted, moreover, the policy of wholesale dismissal of the appointees of the Bourbon period; he attempted likewise, although in vain, to save the few among the officials of the department of Public Instruction who refused to take oath of allegiance to the new government, and also to prevent its being demanded of the professors on permanent appointment.⁶⁸

The most congenial activities of the period were those connected with the protection and patronage of letters and the arts and sciences, which more properly belonged to the department of Public Instruction. (In 1832 he caused their transfer to it.) He called to the head of the section of science and letters an eminent young physician and scientist, Hippolyte Royer-Collard; and to that of arts Charles Lenormant, an archaeologist, likewise of the younger generation of scholars. They gave him loyal cooperation in winning over the *savants* to the new régime.⁶⁹ New posts were created which enabled such scholars of distinction as Fauriel and Vitet to continue their research in the security of a government appointment.⁷⁰ He undertook such enterprises as the encouragement of classical studies, the preparation of a dramatic censorship, the resumption of work on the *Arc de Triomphe* and on the *Madeleine*, and the decoration of the hall of the Deputies, where he was thwarted by ignorant meddling in his wish to employ Ingres, Gérard, and Delaroche. Needless to say, his three months of office did not suffice for the execution of all these projects.

Several documents which throw light on the spirit which he tried to infuse into the administrative corps are reprinted in his memoirs. One is a circular addressed to the prefects concerning

a whole is undeniable. They were often indeed subservient to the ministers, but sometimes conspicuously independent. Badly paid before 1830, their salaries were somewhat increased by the Orleanist governments. On the other hand, the salaries of ministers were reduced from 120,000 francs to 80,000.—*La Monarchie constitutionnelle*, p. 110.

⁶⁸Guizot, *Mémoires*, II, 66.

⁶⁹*Ibid.*, p. 65.

⁷⁰Fauriel was appointed by Bioglie, at Guizot's request, to a chair of foreign literature in the Faculty of Letters. *Ibid.*, p. 68. For the institution of an inspector-generalship for the historic monuments of France, to which Vitet was appointed with a salary of 8,000 francs, see Guizot's report to the Crown 21 Oct., 1830, *ibid.*, pp. 385 ff.

the approaching elections to the Chamber to fill the seats left vacant by the upheaval of July.⁷¹ The minister emphasizes the great significance of the first elections under the new monarchy, and instructs the local officials to assure entire liberty in the exercise of the franchise while maintaining legal order. The elections—like the Charter—"must henceforth be a verity." "Scrupulous impartiality" is enjoined; only by their upright administration are the prefects to influence public opinion. The coming elections "will attest . . . all that fifteen years of gradual amelioration, of hard-fought liberty, have given . . . of experience and prudence and firmness."⁷² A letter to the prefect of the Haute-Saône, an old acquaintance, illustrates his persistent concern for what might be called a moral decentralization of French political and social life: "Do not hesitate to replace the mayors whom the people repudiate, and who embarrass you instead of fortifying you. Everything which has an aspect of blind and servile reaction is of bad effect; everything which attests the intention of being well served and of serving the people well gives force and credit. Search for men who think and act for themselves. The first need of this country is the development everywhere of independent opinions and influences. The centralization of minds is worse than that of affairs."⁷³

The general ecclesiastical policy of the new monarchy, com-
plaisant to that bourgeois hostility to the clergy which had been sharpened by the subservience of Charles X to the "priest-party," was to avoid any display of predilection for the Church. "The King," reported one of the foreign ambassadors to his Government, "affects to have no religion, not to be present at church service, to have work as usual on Sunday at his palace."⁷⁴ The *Panthéon*, which had been restored to Christian worship by Napoleon, was now again withdrawn and reserved solely to the memory of the great men of France. Guizot signed the order,

⁷¹Guizot, *Mémoires*, II, 393 ff. 52 Legitimists had presented their resignation, 18 elections had been annulled for irregularities or violence, 41 deputies had been given appointments and by the new law had to submit to re-election. *Ibid.*, p. 99.

⁷²*Ibid.*, pp. 393 ff.

⁷³To Amédée Thierry 14 Sept., 1830, cited *ibid.*, pp. 56, 57.

⁷⁴Dispatch of de Sales, 8 Aug., 1833, cited Hillebrand, *op cit.*, I, 50 n.

but there is no reason to doubt that he felt the "secret displeasure" which he records in his memoirs.⁷⁵ He had not approved, indeed, the omission from the revised Charter of the clause declaring Catholic Christianity the religion of the state, for he believed the historical connection too deeply rooted in French tradition to be destroyed without unfortunate consequences.⁷⁶ A circular letter which he sent to the local administrative authorities illustrates his disposition to resist the current of hostility. The rumor having got abroad that the Administration had ordered the removal of the crosses in front of the churches all over France, he gave the following instructions: "The Government has not ordered the removal of the crosses. In some places . . . attempts have been made by mobs to tear them down . . . The Administration . . . has sometimes persuaded the clergy to transport into the churches these monuments of their faith in order to rescue them from profanation . . . Elsewhere the crosses are standing, and will remain standing as long as they are not the objects of tumultuous . . . attacks. The liberty of worship must be entire and its first condition is that no faith be insulted. We must not furnish our enemies any pretext for taxing us with indecency and tyranny . . ."⁷⁷

Onerous and perplexing as was the work of administrative readjustment, the presentation and defence of Government legislation in the Chambers, where Guizot was the chief organ of the ministry, demanded attention and admitted no delay. The parliamentary archives record more than forty bills introduced by him in August, September, and October, 1830.⁷⁸ Most of this number were petty projects of merely local interest, such as measures empowering departments or cities to tax themselves for special purposes, or to contract loans. Of greater importance were nine bills prepared to meet the emergencies of the new régime. Three concerned elections;⁷⁹ two of these made such provisional reforms in the electoral law as the abolition of the double vote and regulation of the electoral and jury lists, announcing future legis-

⁷⁵Guizot, *Mémoires*, II, 72, 73.

⁷⁶See his letter to Barante, 17 Sept., 1826, *Souvenirs de Barante*, III, 348.

⁷⁷Guizot, *Mémoires*, II, 58.

⁷⁸*Archives parlementaires*, LXIII and LXIV, (See *Tables analytiques*.)

⁷⁹Introduced 13 Aug. *Ibid.*, LXIII, 125 ff.

lation for thorough-going reform; a third provided for the re-election of deputies appointed to public office. These bills Guizot presented and defended in the debate. They encountered few objections, were speedily enacted, and were administered by the department of the Interior in the elections of the fall. The other six measures likewise became law: they concerned the reorganization of the National Guard⁸⁰ (Lafayette headed a commission charged by Guizot with the preparation of the two bills on this subject⁸¹), the appropriation of five million francs for public works to provide employment for idle workingmen,⁸² compensation to those who had been wounded in the July fighting and pensions to the widows of the dead,⁸³ and lastly, a reduction of duties on imported grain to relieve the distress arising from poor crops, with an interesting recommendation that the temporary provision be supplemented by serious study of the situation looking to permanent legislation.⁸⁴

On the general policies of the new government, the Orleanist leaders began to divide into two parties from the moment of the abdication of Charles X, although the divergence was not marked during the first weeks of cooperation to resist the more extreme demands of the revolutionary faction. The division became clear, however, in a short time. The men of "progress" (*mouvement*) considered the work of July a break with the past, and only the beginning of a Glorious Revolution. They emphasized the Legitimist danger and minimized the Republican. They would conciliate rather than repress the Parisian rioters who kept the capital in a state of chronic agitation for many months after the overthrow of the Bourbons. Hostile to the clergy, they were indifferent to the indignities they suffered. They showed sympathy for the demands of the Republicans that France should aid revolutions abroad by force of arms although their responsible leaders like Dupont and Laffitte supported the policy of peace.⁸⁵ The men of "*résistance*," on the other hand, considered the revo-

⁸⁰*Archives parlementaires*, LXIII, 158.

⁸¹Guizot, *Mémoires*, II, 103.

⁸²*Archives parlementaires*, LXIII, 141.

⁸³*Ibid*, LXIV, 156 ff.

⁸⁴*Ibid*, LXIII, 540 ff.

⁸⁵Guizot, *Mémoires*, II, 46.

lution complete with the change of the dynasty and the alteration of the Charter; to their minds the purpose had been to thwart the Bourbon attack on constitutional government, and all needed reforms could be gradually made without further change in the constitution. They deemed the restoration of order necessary to the resumption of progress under stable monarchical institutions. They would deal sternly with rioters, and give only such encouragement to Liberals abroad as would not involve France in danger of war. Both parties were "dynastic," both had condemned the Bourbon reaction, both believed the payment of taxes the proper basis for political rights, their essential difference was in their attitudes towards the revolutionary spirit at home and abroad. Dupont and Laffitte in the ministry, Odilon Barrot in the Chamber, and Lafayette as commander of the National Guard, were the leaders of the party of "progress." Lamarque, Bignon, Tracy, and Salverte were also prominent; and Mauguin, a bold and forceful orator, was a rival of Barrot's for leadership of the Left in the Chamber, but an unsuccessful one, because the party were afraid of being carried too far.⁸⁶ Of the men of "resistance" Guizot and Broglie were the most conspicuous leaders, the former, in Hillebrand's phrase, the *Systematiker* of the change of dynasty on the precedent of 1688.⁸⁷ Casimir Périer, Louis, Molé, Dupin, and Sébastiani were men of affairs rather than political philosophers.⁸⁸ The younger Doctrinaires looked to Guizot and Broglie, of course, for inspiration; but the great body of conservatively-minded men in the Chambers were so by temperament and interest rather than on principle.

Count Molé was minister of Foreign Affairs in this first Orleanist government and performed his part with ability and dignity, with the support of the whole cabinet,⁸⁹ but Louis-Philippe himself had in the early days of August taken prompt measures to assure the monarchs of Europe that the changes in

⁸⁶Blanc, *op. cit.*, I, 437.

⁸⁷*Ibid.*, I, 12.

⁸⁸All of them except Dupin, together with Gérard, are classed as Doctrinaires by Bourgeois in his chapter on the Orleans Monarchy in *Cambridge Modern History*, X, 478. This is misleading, although they were all more or less under Doctrinaire influence.

⁸⁹Guizot, *Mémoires*, II, 46.

France did not threaten the peace of the continent; by the initiative thus taken he made the determination of foreign policy particularly his own, and after Talleyrand went to London in September, the King's close cooperation with him by means of a secret correspondence made him more truly the minister of Foreign Affairs than the titular minister. With the exception of Russia the Powers showed no malevolence toward the new monarchy, but they distrusted the French people. And indeed, in the words of Guizot, "side by side with the spirit of revolution marched the spirit of war."⁹⁰ Aflame with admiration for the First Republic, the radicals demanded the Rhine frontier, the annexation of Belgium, the crown of Spain, and the liberation of Italy.⁹¹ Ten years later, Louis Blanc maintained that Louis-Philippe might at least have announced to the world that the price for peace was the adoption of constitutional government by all Europe!⁹²

The policy of subordinating French sympathy for the oppressed peoples of Europe to the maintenance of peace can only be adjudged wise by the historian, but the chauvinists of the day branded the King's prudent pacificism as weak and pusillanimous, and thereby actually made it a difficult and courageous policy. The first cabinet sustained him in it, and Molé pronounced the principle of non-intervention in the face of the bitter complaints of Prince Metternich,⁹³ to whom as a principle it was dangerously two-edged. Louis-Philippe's desire to send Talleyrand to London, although not openly opposed in the Council,⁹⁴ had been disapproved by Dupont, Laffitte, Molé, and Bignon, and supported heartily only by Guizot and Broglie.⁹⁵ In his department Guizot aided in the execution of the royal policy to thwart the intrigues for the annexation of Belgium or for placing one of the Orleanist princes on the Belgian throne, and in giving only such

⁹⁰Guizot, *Mémoires*, II, 75.

⁹¹Thureau-Dangin, *La Monarchie de Juillet*, I, 52.

⁹²*Op. cit.*, I, 265.

⁹³D'Haussonville, *Politique extérieure*, pp. 17-19.

⁹⁴Guizot, *Mémoires*, II, 86.

⁹⁵Broglie, *Souvenirs*, IV, 57-59; Blanc, *op. cit.*, I, 296-97; Saint-Priest to Barante, 16 May, 1833, *Souvenirs de Barante*, V, 56.

aid to the refugees from the odious Ferdinand's ferocity as was deemed compatible with keeping out of war with Spain.⁹⁶

There is no question that the peace policy was satisfactory to the nation at large. And internal disorder and insecurity were as little desired as foreign war. The more able of the Republican leaders recognized this fact, and while believing another revolution the right of the people, wished to defer it, not sharing the notion of their impassioned followers that four thousand fighters could impose their will on the country.⁹⁷ But the hot-heads whose hopes had been highly excited by the events of July, reminded by their more radical leaders and journals of the rôle of the Republic in 1793, remained unwilling to accept the conservative outcome of the recent revolution. They and their sympathizers in the party of *mouvement* soon regarded Broglie and Guizot as the center of an "aristocratico-doctrinaire" faction that sought to "blast the fruit of liberty."⁹⁸ Guizot made a report to the Chambers on 13 September detailing the changes made to date by the new government in the various departments.⁹⁹ It included a statement about the watchfulness of the administration in localities where agitation was prevalent, and a promise of a policy that would give France "a tranquil amelioration and a regulated progress." The language had been censored by the Council, and could not possibly be considered extreme: but the report was attacked as a program of reaction by those who had assailed the Government for failing to change the administrative personnel more rapidly. Guizot answered the attack with great effect and success.¹⁰⁰ Late in September the two tendencies

⁹⁶Guizot, *Mémoires*, II, 93-98 Hillebrand (*op cit.*, I, 37) following Blanc (*op. cit.*, I, 290) censures Guizot's procedure in reversing his policy of encouragement to the Spanish conspirators after Ferdinand was brought to terms by the French government.

⁹⁷Weill, *op. cit.*, pp. 50 ff.

⁹⁸Words of Dupont quoted by Blanc, *op cit.*, I, 224

⁹⁹*Archives parlementaires*, LXIII, 486. For text see *ibid.*, pp. 471-74; in the records of the Chamber of Peers, where it was read by the duke of Broglie, and Guizot, *Mémoires*, II, 373-84.

¹⁰⁰Mme. de Broglie to the Marquise de Catellan, 16 Sept., 1830, *Lettres de la Duchesse de Broglie*, p. 170.

which were soon to clash in the cabinet were made apparent by a debate in the Chamber¹⁰¹ on the question of the Republican and Socialist societies, which, in imitation of the clubs of 1792, were holding frequent meetings where the government was attacked with extreme freedom. The middle class were alarmed by an agitation that encouraged the undisciplined enthusiasm of the Republican students to sundry riotous demonstrations; on 26 September a demand was made in the Chamber for the suppression of the societies. Guizot, at the tribune, declared that he believed the fear to be exaggerated, but admitted its agitating effect on the country, and granted that the political clubs were indeed fomenting and exalting the "state of revolution in our midst."¹⁰² "We brought about," he continued, ". . . a happy, a glorious revolution, but we did not intend to put France in a state of revolution . . ." He desired progress as much as anyone could, but "disorder is not advancement, agitation is not progress." He suggested a resort to Article 291 of the Penal Code, which he disavowed as unsuited to a free country, but advocated using as a convenient and legal expedient for the emergency. (Article 291 forbade the formation without government authorization of any association of more than twenty persons for regular meetings of a religious, political, or literary nature; it had not prevented the activities of the *Aide-toi*.) Guizot's suggestion was a signal for attacks from the Left. Mauguin, the bold, clever, and exceedingly provocative orator of that group, declared all the "errors" of the people chargeable to the ministry: "France is, I declare, at war with its administration."¹⁰³ This drew a sharp exclamation from Broglie, vehement murmurs from the Chamber, and, for all his parliamentary propriety, an interruption from Guizot: "Don't say France, say yourself." To which Mauguin replied "*You* say France when you mean yourself." Dupin and Périer defended the Government ably and to the satisfaction of the Deputies, but neither seconded Guizot's suggestion. Later Dupont threatened to resign from the ministry if it were adopted.¹⁰⁴

¹⁰¹ *Archives parlementaires*, LXIII, Sessions of 29 and 30 Sept.

¹⁰² *Ibid.*, pp. 667 ff.

¹⁰³ *Ibid.*, p. 674.

¹⁰⁴ Thureau-Dangin, *op. cit.*, I, 112.

The crisis came in connection with the thorny question of the disposition of Polignac and his colleagues. It had early become evident that the popular cry of the July days *à bas les ministres!* had awakened a ferocity that would not easily be allayed. Almost all the responsible leaders were agreed on clemency as the wise and just course; Guizot and Broglie were particularly anxious to keep the victory unstained by bloodshed after the combat.¹⁰⁵ A proposal for a general abolition of the death penalty for political offenses was discussed, but adjudged too radical. Instead, the Chamber voted an Address to the King asking for the introduction of legislation to abolish the extreme penalty in certain circumstances. Whether Guizot wrote the Address or not,¹⁰⁶ it was what he desired.¹⁰⁷ It called forth a flood of pamphlets, placards, and articles in the radical journals, breathing hatred and scandal against the deposed king and his friends.¹⁰⁸ The mob spirit became dangerous on October 17, although violence was happily averted, and the dismayed ministers met in Council. They were hopelessly divided as to what was wise and safe to do. Guizot gives the following account of the session. "M. Dupont de l'Eure and his friends bore with impatience the burden of our unpopularity, and we in like manner that of their weakness It was absolutely necessary to make a decision; we made two. I insisted on a prompt repression;¹⁰⁹ they demanded a concession to popular feeling" Guizot thereupon wrote an order to the division commander to suppress the disorder, and a note for the *Moniteur* which half disavowed the address by declaring that the government believed immediate legislation to abolish the death penalty impossible, and promising long consideration for the

¹⁰⁵Guizot, *Mémoires*, II, 117; Mme. de Broglie to the Marquise de Catellan, 16 Sept., 1830, *Lettres de la Duchesse de Broglie*, 171.

¹⁰⁶Hillebrand says he did (*op. cit.*, I, 68); Blanc says Bélienger wrote it (*op. cit.*, I, 313-14).

¹⁰⁷Guizot, *Histoire parlementaire*, I, 149

¹⁰⁸Guizot, *Mémoires*, II, 123-24; Blanc, *op. cit.*, I, 313-14.

¹⁰⁹One of Guizot's friends had written as follows in a personal letter a few days before—"Guizot, who . . . is not easily discouraged at difficulties, is very firm on the question. He assures (us) that the King promises to mount a horse and go in person at the head of the National Guard to fight those who would sully the glory of his reign."—Mahul to Vicomte Dejean 13 Oct., in Jeanjean, *Guizot et Mahul*, p. 36.

measure.¹¹⁰ Thus the cabinet threw a sop to the mob in the form of a vague hope that their thirst for blood might not after all be denied. Three weeks later, after the ministry had given way to another, Guizot declared in the Chamber that he had done things in his brief term of office that he regretted, but none so much as the assent he gave to this insertion in the *Moniteur*, which had done violence to his opinions and his principles.¹¹¹

On the nineteenth of October, Odilon Barrot, who, as prefect of the Seine, was a functionary of the department of the Interior, addressed his fellow-citizens in a proclamation in which, while deploring their violence, he made apology for the unpopular Address as an "inopportune proceeding." Guizot considered this disloyal and intolerable in a high official of the government; he demanded, and secured, the suppression of the proclamation in the *Moniteur*.¹¹² He and his friends desired Barrot's dismissal from office, but Dupont and Lafayette prevailed against it by threatening resignation. The journals of the Left aired the details of the incident by which the popular prefect had gained a victory over the unpopular ministers.¹¹³ Guizot and Broglie found the situation intolerable, and refused to remain in office unless the ministry would commit itself to a policy of resistance.¹¹⁴ They shrank from responsibility for the approaching trial under the circumstances: they knew that Lafayette, Laffitte, and Dupont were sincerely anxious to save the ex-ministers; and they realized that the storm might be better weathered with popular men at the helm. So Guizot describes their motives for resigning.¹¹⁵ But it is difficult not to imagine also that they went out of office expecting the leaders of the *mouvement* to discredit themselves, and thus to pave the way for a speedy return to a conservative ministry under more favorable circumstances.¹¹⁶

Louis-Philippe would gladly have seen the Doctrinaire leaders

¹¹⁰Guizot, *Mémoires*, II, 125-127; Thureau-Dangin, *op. cit.*, I, 124.

¹¹¹9 Nov.—Guizot, *Histoire parlementaire*, I, 149-50.

¹¹²Guizot, *Mémoires*, II, 129.

¹¹³Thureau-Dangin, *op. cit.*, I, 125.

¹¹⁴Broglie, *Souvenirs*, IV, 90.

¹¹⁵Guizot, *Mémoires*, II, 133. Cf. Barrot, *Mémoires*, I, 240.

¹¹⁶See a conversation between Broglie and the King cited by Thureau-Dangin, *op. cit.*, I, 129-130.

less intransigent for the time being.¹¹⁷ The Revolution of 1789 had left on him the most vivid but the most contradictory impressions, and he felt a lively incertitude as to the best means of dealing with the revival of the revolutionary spirit which had put him on the throne but did not feel itself satisfied with that. He was convinced that it must be resisted sooner or later, but in the first six months of his reign he maintained a certain reserve and endeavored to conciliate all shades of opinion pending the time when he might safely show his hand.¹¹⁸ He displayed with the popular leaders the gaiety and familiarity of speech that were more or less natural to him. He was less expansive with Guizot and Broglie, partly, doubtless, to avoid involving himself in their unpopularity, partly, because they were less disposed to familiarity. But he gave Guizot to understand that he agreed with his views without feeling it yet wise to avow them openly.¹¹⁹

The Doctrinaires gave way, however, to a ministry which was personally very agreeable to Louis-Philippe. Laffitte, the popular and amiable banker whose lively conversation he enjoyed, and whose capacities as a listener were—according to Louis Blanc—equally good and no less delightful to his King, became President of the Council, and was extremely deferential to the monarch's desire to play an important part in its deliberations. Sébastiani, who consented to remain in office even though the men whose conservatism he shared went out, was likewise devoted to the King; and Montalivet, the new Minister of the Interior, was Louis-Philippe's peculiar protégé.

Broglie and Guizot resigned office with a "feeling of almost joyous deliverance" from a galling situation. The unpopularity of their attitude toward the riots made them seem even to many of their friends rather to compromise than to strengthen the ministry.¹²⁰ From the provinces, where the favor or disfavor of the populace of Paris did not seem so weighty an argument, came comforting words of commendation. Augustin Thierry wrote to Guizot from Hyères expressing his concern. "Your entrance into a ministry which, succeeding a revolution, had so

¹¹⁷Broglie, *Souvenirs*, IV, 92.

¹¹⁸Guizot, *Mémoires*, II, 47-49.

¹¹⁹*Ibid.*, II, 238.

¹²⁰*Ibid.*, p. 134.

many demands to satisfy, so many ambitions to content or offend, was a difficult undertaking; that will soon be recognized. Meanwhile, what you have done in three months will not perish, and the administration of the country will remain, whatever be done, in the mould in which you have cast it. It will be a great pleasure for your friends to see the little those will gain in the end who have pursued and calumniated you with so much ferocity and bad faith. The Parisian press, which saved all in the late crisis, seems today to have no other aim than to lose all. I do not understand it, and I was far from expecting it. But, thanks to you and to your political friends, order is organized in France; we are recognized abroad and at peace at home; it is only a few quarrelsome writers who would put everything in doubt again, and the good sense of the provinces will have justice, at need, of the turbulence of Paris."¹²¹

But the "peace at home" of which Thierry wrote, scarcely described the situation of the capital for many months to come. Laffitte—"*un vrai financier de grande comédie*"—who had made a king as easily as he had made a fortune, fancied that he could "remain powerful, popular, and rich without taking great pains to govern."¹²² He was an amiable optimist without capacity for leadership in difficult times, whose ill-fortune it was to ruin himself both politically and financially in the course of that unhappy winter of disorder and public anxiety and prolonged industrial crisis.¹²³

Guizot continued his denunciation of "the revolutionary spirit" in the Chamber to the satisfaction of a large but irresolute majority of the members, and to the clamorous disapproval of the Republican press. On November 8 he defended the principle of large *cautionnements* for the press as a guarantee that "editors of journals should be men of fairly high class"; in the course of his speech he accused the more violent journals of "soiling the Revolution" by reckless and irresponsible appeals to passion and prejudice.¹²⁴ This utterance and its favorable reception by the Cham-

¹²¹9 Nov, 1830, cited Guizot, *Mémoires*, II, 134.

¹²²*Ibid.*, pp. 44, 45.

¹²³*Ibid.*; Thureau-Dangin, *op. cit.*, I, 132, Hillebrand, *op. cit.*, I, 76 ff.

¹²⁴*Archives parlementaires*, LXIV, 286 ff.

ber evoked a storm of angry editorials, and on the next day the Deputies met amid general agitation.¹²⁵ Early in the discussion, a reference to the recent change in the ministry brought Guizot to the tribune; profound silence succeeded the disorder.¹²⁶ He declared that the interpretation of the July Revolution in a conservative sense alone answered the needs and desires of the nation at large, and reiterated his denunciation of the faction who troubled the public mind by agitation for a Republic and endless innovation. "I honor the Republic," he averred, "it is founded on noble principles"; but he proclaimed it unsuited to the traditions and sentiments of France. He and his friends, he explained, withdrew from the cabinet when it became evident that their opinions no longer prevailed: but already the new Government gave evidence of feeling the force of events and the responsibility of power.

Louis Blanc describes the response of the Chamber as an ovation.¹²⁷ On the next day Laffitte appeared before the Deputies to declare how slight were the divergencies of view between the new ministry and the old. This made it possible for Guizot to continue to attack the policy of *laissez-aller*, as he called it, without taking a ground of opposition to the government. Laffitte was indeed forced to resist the demands of the rabble. The trial of the ministers by the Court of the Peers was the occasion of riots and threats of revolution unless the death sentence should be forthcoming. The President of the Council announced in the Chamber on December 20 that the government would assure order for the decision of the court. Guizot followed Dupin in commending the resolution of the cabinet, and declared that publicity was the weapon to use against threats of *coups d'état*.¹²⁸ On the following day the Peers sentenced Polignac and his colleagues to perpetual imprisonment, and the Government kept its promise. But the Republicans continued the anti-Bourbon agitation, and a week later the Deputies discussed with grave concern a demonstration in which students had been implicated. Guizot main-

¹²⁵ Blanc, *op cit.*, I, 319.

¹²⁶ *Archives parlementaires*, LXIV, 313.

¹²⁷ *Op. cit.*, I, 320.

¹²⁸ *Archives parlementaires*, LXV, 572.

tained that the students involved were few, and that their inexperience and enthusiasm made the appeal of Republican ideas inevitable. "In a régime of liberty there must be liberty for the false as well as for the true." But he would combat error with exposure, and with resolute refusal of any concession to it.¹²⁹

In January the unhappy ministry, which was trying to maintain the foreign policy initiated in the early days of the reign, was almost swept off its feet by a tidal wave of revolutionary propaganda swelled by sympathy for Poland, and by the continued appeals of the Belgians and the Italians. On the twenty-seventh the public crowded into the galleries and corridors of Palais-Bourbon to hear the Government interpellated by the leaders of the war-party, who, though negligible in influence in the Chamber, spoke for the radicals outside. Sébastiani's defense that to aid Poland and insist on the union of Belgium with France would involve a violation of "non-intervention" and a European war, was attacked by Lamarque as a policy of "peace at any price." Dupin and Guizot again sustained the ministry, the latter arguing that France did not need war for her own security—as had been maintained—and that if she would only emulate the United States of America in living regularly within her constitutional institutions and her own frontiers, she had nothing to fear from Europe: "Our danger is within."¹³⁰

His contention was illustrated by the sack of the church of *Saint-Germain l'Auxerrois* and the destruction of the archbishop's palace, on February 14, by a mob which the Government did little or nothing to thwart.¹³¹ The howling crowd repaired from the scene of destruction to the residence of Dupin, screaming insults and threats of death.¹³² Guizot now came out against the ministry, declaring in the Chamber on the nineteenth that a government must place itself *à la tête* and not *à la queue* of society, and that the country was looking in vain for leadership and guidance.¹³³

¹²⁹ 29 Dec., *Archives parlementaires*, LXV, 680-84.

¹³⁰ *Ibid.*, LXVI, 362 ff.

¹³¹ Barrot, *Mémoires*, I, 192; Guizot, *Mémoires*, II, 170 ff.

¹³² Statement of Persil in the Chamber. *Archives parlementaires*, LXVI, 759.

¹³³ *Ibid.*, LXVII, 30 ff.

Laffitte admitted at the next session that of all the critics of the ministry, Guizot had alone put the real problem, but without offering a remedy. The latter's answer was that the remedy, real leadership, should have been applied three months before. He suggested that the cabinet ought either to dissolve the Chamber and appeal to the country to sustain it, or change its policy. He intimated gently that resignation was one way out.¹⁸⁴ On March 9, to Laffitte's weak but characteristic declaration that to the King alone belonged the power to dissolve the Chamber, he made the obvious reply that in a constitutional government the ministry advised the King.¹⁸⁵

But Laffitte, irresolute, devoted to the King and confident of his support, hung on, with an idea of forming a ministry wholly of the party of "progress," until he learned on the twelfth of March that on the eleventh Casimir Périer had been commissioned to form a government: it was a bitter disillusionment. Of the three men who had been most influential in establishing the house of Orleans on the throne of France, Louis-Philippe was now rid of the two who had compromised his foreign policy,¹⁸⁶ and the third, Talleyrand, was free to carry out that policy in London, while the Conservatives took the reins of government and prepared to make an end of the revolution at home.

IV

Casimir Périer governed for fourteen months with such energy and effect that his ministry is regarded as one of the determining events of the Orleanist period, and "the system of 13 March" as it was called in press and parliament, rallied all conservative opinion to resistance to the revolutionary program. It was, although not announced as such, merely the policy of the *juste*

¹⁸⁴*Ibid.*, pp 38-39.

¹⁸⁵*Ibid.*, p. 508.

¹⁸⁶Lafayette, unable to satisfy his popular following in Paris in the way of influencing the government, had resigned from the command of the Parisian National Guard after rendering great service in preventing the serious trouble during the trial of the ex-ministers. Both Laffitte and the King were reluctant to let him go. (Guizot, *Mémoires*, II, 152 ff.) But, none the less, the King's path was easier for his going.

*milieu*¹³⁷ which Louis-Philippe and the men of "resistance" had maintained from the beginning and of which Guizot had been the most conspicuous champion in the first ministry. Périer was chosen to carry it out as the most available leader: a member of the Left during the Restoration, he was not compromised by any past services to the Bourbons, and could expect to rally to his program many of those who had been Laffitte men and who would not have followed the Doctrinaires. Although he had resigned with the latter in November, 1830, he had not committed himself to the advocacy of their unpopular views.¹³⁸ He was a practical statesman with great talent for courageous, rather ruthless leadership, but with no *penchant* for political philosophy.¹³⁹ He was quick to appreciate, nevertheless, the value of Guizot's reasoned defense of constitutional monarchy against absolutism, on the one hand, and against the Republic on the other. "I am a man of circumstance and struggle," he said on one occasion to Guizot, "parliamentary debate is not my rôle; you will one day come to my place."¹⁴⁰ The two men met often in the office of M. Bertin de Vaux, editor of the conservative *Journal des Débats*, which supported the policy of resistance under Périer as earlier during Guizot's ministry of the Interior. The three, with the Count of Saint-Cricq for a fourth, played whist and talked politics over the cardtable.¹⁴¹

In the Chamber Guizot assured Périer the adhesion of the right wing of the constitutional monarchists—the Right Center—and made his appeal to that small but important portion of the public interested in ideas and theories of government. His aim from the moment of accepting the July Revolution as a *fait accompli* had been to create a basis for the Orleanist monarchy that would enable it to stand the assault of Republican propa-

¹³⁷The term is ascribed to Louis-Philippe, who is reported to have said to a delegation from the provinces early in 1831: "We must not only cherish peace, we must avoid everything that might provoke war. As regards domestic policy, we shall endeavor to maintain a *juste milieu*."—Blanc, *op. cit.*, I, 385.

¹³⁸Guizot, *Mémoires*, II, 45.

¹³⁹See Rémusat's sketch of him in *Passé et présent*.

¹⁴⁰Guizot, *Mémoires*, II, 237.

¹⁴¹*Ibid.*, pp. 245-46.

ganda. The "anarchy of ideas" was the adversary he most feared; universal suffrage had meant in France, he maintained, "only lies and tyranny in the name of the people."¹⁴² A "sovereignty of the people" whose partisans subsidized the mob as an agent of political reform was to him the most odious of principles: he strove patiently to replace it by the idea that the recent revolution had been a manifestation of the nation's right to repudiate arbitrary usurpation, but that it had properly ended with calling a "prince of the blood royal happily found near the empty throne, whom necessity had made king." By this rather labored theory, which the Opposition dubbed "quasi-legitimacy," he sought to extricate the new monarchy from the consequences of its origin and give it root in the French tradition. More convincing was his defense of the new government in the interests of order and progress against the pretensions of the popular leaders to "a permanent right of insurrection."¹⁴³ A corollary to this was his denunciation of the chauvinists who would involve France in a war to liberalize Europe by force of arms, and of those leaders of the Left who showed themselves indulgent to that spirit.¹⁴⁴ He did not hesitate to declare his conviction that war was always inimical to progress, and unsuited to liberal governments and enlightened peoples.¹⁴⁵ These ideas and his developing oratorical talent were at the service of the ministry when the policy of resistance was assailed in the Chamber.

Pérrier announced his program to the Chambers in trenchant phrases, declaring that he would maintain "order at home without loss of liberty, peace abroad without loss of honor . . . We shall no more recognize the right of insurrectionists to force us into war than their right to force us into the path of political innovation . . . Let us hasten the moment of general disarmament by our policy."¹⁴⁶

¹⁴²*Archives parl.*, LXVI, 605 (8 Feb., 1831).

¹⁴³The quoted phrases are from his *Mémoires*, II, 236; the ideas recur in many of his discourses in the early years of the reign, e.g., those of 25 November, 1830, 30 March, 1831, 11 August, 1831, 5 October, 1831.

¹⁴⁴For their attitude see Barrot, *Mémoires*, I, 244; Blanc, *op. cit.*, I, 438, 460 ff.

¹⁴⁵E.g., discourse of 30 March, 1831, *Archives parl.*, LXVIII, 223 ff.

¹⁴⁶18 March, *ibid.*, LXVII, 682-84. "Is it M. Guizot back again?" asked the *National* in disgust the next day.

He was as good as his word. He demanded and received legislation to enable him to deal effectively with the tumults and plots that had become chronic in Paris, in the *Vendée*, and in the industrial centers. He showed himself equally determined to maintain the promised peace abroad by a support in general of the treaties of 1815, cooperation with England on the Belgian question, non-intervention in general, nothing but "diplomatic intervention" for the unfortunate Poles, "French blood for France alone."¹⁴⁷

Early in April Guizot wrote to Barante—now ambassador at Turin—of the changed situation: "Casimir Périer . . . has political judgment and political courage. Friends or enemies, all take him seriously . . . Elections are to be held. Everything depends on them. The Opposition will make every effort against us . . . In fine, the July Revolution is cut in two, a party of government and a party of opposition. . . ."¹⁴⁸

The elections were held in May under the new electoral law of April, which had lowered the voting age to twenty-five and the tax qualification to 200 francs. In the Calvados the *arrondissements* of Lisieux and Pont l'Évêque, hitherto united, were now separated; Guizot presented himself as a candidate in both. He met bitter opposition from the Left, and had to meet vicious attacks on his record during the Restoration without adequate support in the local press; his experience in the campaign led him to found a Doctrinaire organ at Lisieux in 1832.¹⁴⁹ His personal canvass was, however, successful, and he was gratified by the attitude of bourgeois and peasant alike.¹⁵⁰ He was defeated at Pont l'Évêque, but elected at Lisieux by a large majority. The restricted character of the electorate even under the new law was such that in a population of 72,000 inhabitants in the district there were only 692 electors.

But when the new Chamber met late in July, the ministerial majority proved precarious, and the debate on the Address to the

¹⁴⁷He used this phrase in the speech cited above. *Archives parl.*, LXVII, 683.

¹⁴⁸*Lettres*, p. 107.

¹⁴⁹Many details of the campaign and election are given by Pouthas, *Elections de Guizot*, pp. 23 ff.

¹⁵⁰Letters to Mme. Guizot, May, 1831, *Lettres*, pp. 94-106.

Crown was a critical one. The conduct of foreign affairs was assailed with especial vehemence. Guizot made a powerful speech on 11 August, deploring the preoccupation of the Deputies with foreign policy when domestic problems were so much more important, and denouncing the party which demanded a provisional government, a new constitution, universal suffrage, and a war against European absolutism all at once, with a "perpetual menace of insurrection" as their sword of Damocles. He refused to grant their right to call themselves Republicans, declaring that they dishonored the name.¹⁵¹ He was heard with marked approbation by the Centers, and undoubtedly contributed to the victory won by the ministry. During the following months he was to find frequent occasion to sustain Périet's foreign policy, always identifying it with that of the first ministry, and always severe to the party which would make of France "a volcano in the midst of Europe."¹⁵²

In September, after the riot caused by the news of the fall of Warsaw, several sessions of the Chamber are characteristic of this stormy period. On the twentieth, the Government, attacked as having betrayed the hopes of the Poles and their French sympathizers, is defended vigorously by Thiers. Guizot in his turn condemns the principles and the conduct of the Opposition, inside as well as outside the Chamber.¹⁵³ On the next day Mauguin denies the charges against the Opposition, and counters with an intimation that he could divulge something "Out with it!" cries the irascible Périet.

Mauguin: "Not so haughty an air, *Monsieur* the President of the Council"

This causes *grande rumeur*, but Mauguin goes on imperturbably to charge that Guizot has been guilty, as a minister, of his share of incitement to revolution, in the case of Spain; that he now is working for a "third Restoration"; that Périet was a secret agent of Charles X in 1830, that his ministry is also vowed to "the system of the Restoration," that it has instigated the riots for its own purposes Guizot repudiates the charges

¹⁵¹*Archives parl.*, LXIX, 152 ff.

¹⁵²Guizot, *Histoire parl.*, I, 278.

¹⁵³*Archives parl.*, LXX, 21 ff.

with energetic composure, Périer with fury: "In the face of riots . . . they assassinate us thus." Mauguin is disavowed by everybody, and the discussion goes on. The next day Périer's cholera is even more violently aroused: he demands that the Chamber choose between his conduct of foreign affairs and the program of Lamarque, attacking the latter hotly. Guizot smooths the way for a vote of confidence in the ministry.¹⁵⁴

Périer's diplomacy did indeed merit confidence. He combined with his generally pacific and conciliatory dealing a frankness that impressed other governments with his sincerity, and an occasional display of energy when French rights were encroached upon that gratified the national vanity.¹⁵⁵ But the attacks continued, and as late as March, 1832, the weary minister had to explain and defend himself, warmly seconded by Guizot and other allies of the cabinet.¹⁵⁶

But when Périer felt it necessary to make a concession to the demands of the left wing of his supporters, and asked the Chambers to abolish the heredity of the peerage, Guizot opposed the measure,¹⁵⁷ arguing that the lower Chamber, to sustain the heavy burden of responsibility, needed an ally independent of election. This was the moment to say to the revolutionary movement: "Thus far and no farther." Thiers also made an able speech against the abolition proposal,¹⁵⁸ and Royer-Collard emerged from his self-imposed silence to join him in this plea for an unpopular cause for which defeat was a foregone conclusion.

Although as yet far from the height of his development as a parliamentary speaker, Guizot's power of generalization and analysis, with his fine presence and admirable voice, had by 1832 given him an acknowledged weight in the Chamber¹⁵⁹ and in the

¹⁵⁴*Archives parl.*, LXX, 93 ff.

¹⁵⁵As in the expedition to Lisbon, the intervention in Belgium when Holland violated the conditions imposed by the London Conference, and the occupation of Ancona when Austrian troops invaded the Papal States.

¹⁵⁶*Archives parl.*, LXXVI, session of 7 March.

¹⁵⁷Session of 3 and 5 Oct., 1831. *Ibid.*, LXX, 321 ff., 369 ff.

¹⁵⁸For Royer-Collard's aloofness after 1830, see his letter to Barante, 17 Sept., 1833, *Souvenirs de Barante*, V, 75.

¹⁵⁹Allusions to his eloquence are frequent in the parliamentary record. The orators of the Left often commented on it with sarcasm, e.g., Salvette in the session of 29 Sept., 1830. *Archives parl.*, LXIII, 670.

minds of the public who crowded its galleries on occasion, much greater than any combination of gifts without eloquence could have won for him. Dupin's hard sense and sarcasm and great ability as a speaker, and Thiers's facile and illuminating eloquence were also enlisted in Périer's service. But the minister, who felt that he could not long support the "intolerable burden" of power, came to look upon Guizot as his natural successor in the government. In an intimate conversation in March, 1832, he discussed his colleagues in the cabinet: "But it is not with these men," he said, "that a government can be formed. I know that the Doctrinaires have grave defects, and that they have not the art of endearing themselves to the public at large; they are none the less the only ones who want frankly what I have wanted. I shall be satisfied with none other than Guizot. We have gained enough ground for him to come to power. That will be my condition."¹⁰⁰

But the redoubtable Périer went down before an enemy with whom one makes no conditions. Late in March cholera invaded Paris and ravaged the city for weeks. In the crowded quarters of the poorest sections of the city the filth was terrible, and there the people were helpless victims of the disease. Their terror and ignorance were hideously exploited by the revolutionary party, who made capital of the rumor that "the enemies of the people" were poisoning the food and water supply.¹⁰¹ The Austrian ambassador saw the following placard on the street: "Remedy for the cholera morbus. Take two hundred heads of the Chamber of Peers, one hundred and fifty of the Deputies, as will be designated, those of Casimir Périer, Sébastiani, and d'Argout, those of Philippe and of his son, roll them on *la place de la Révolution* and the atmosphere of France will be purified . . ."¹⁰² The mob lifted its head again and committed atrocious crimes: suspected "prisoners" were torn in pieces on the streets of the poorer quarters.¹⁰³ Many of the rich fled the city, among them numbers of peers and deputies. But the royal family stayed and ministered to the poor, and there was an extraordinary outburst

¹⁰⁰Conversation with Vitet, cited by Guizot, *Mémoires*, II, 312-13.

¹⁰¹Thureau-Dangin, *op cit.*, II, 69.

¹⁰²Apponyi, *Vingt-cinq ans à Paris*, II, 164-66.

¹⁰³Heine, *Letters from Paris*, I, 169-73.

of charity on the part of the more compassionate of the fortunate classes.¹⁶⁴

The government made every effort to stay the epidemic and reassure the people. On April first Casimir Périer and the Duke of Orleans went to the *Hotel-Dieu* and visited the cholera ward. A street placard commented on this visit as follows: "Louis-Philippe sends his son to the *Hotel-Dieu* to see the misery of the people. The people will return his visits as on the tenth of August . . ." ¹⁶⁵ Three days later the chief minister was stricken and began a struggle of six weeks with the disease which his physical strength might have overcome except for his extreme fatigue.¹⁶⁶ On the ninth of April, Guizot ascended the tribune of the Chamber to bespeak, for the last time, the vote of the house for a measure of Périer's. He called on them to support a government which had displayed "a degree of frankness and sincerity" perhaps never seen before in France.¹⁶⁷ Shortly thereafter he fell suddenly ill himself with what was pronounced to be cholera, was confined to his bed several weeks, and made his first sortie to pay a visit to Périer, who was suffering such agony that he could not see him.¹⁶⁸ Heine's malicious tale to the effect that Guizot was seized with the disease as he talked with the King about replacing Périer, is obviously mere gossip.¹⁶⁹

Périer died with gloomy forebodings for his country. "My wings are clipped," he said, "I am very ill, but the nation is sicker than I."¹⁷⁰ The King, who had clashed on occasion with his imperious minister,¹⁷¹ did not at once fill his place, and for five difficult months the leaderless cabinet struggled to maintain "the system of March 13" against an again aggressive Opposition.

¹⁶⁴Blanc, *op. cit.*, I, 613 ff. For Mme. Guizot's care of the poor in her neighborhood during the epidemic, see Guizot, *Mémoires*, II, 316.

¹⁶⁵Thureau-Dangin, *op. cit.*, II, 109.

¹⁶⁶Blanc declares that he died of exhaustion and despair, not of cholera. *Op. cit.*, I, 109. Guizot declared in the Chamber, 16 Feb., 1833, that Périer's struggle against anarchy killed him. *Archives parl.*, LXXIX, 698.

¹⁶⁷*Archives parl.*, LXXVII, 361 ff.

¹⁶⁸De Witt, *Guizot*, p. 130.

¹⁶⁹12 May, 1832, *Letters from Paris*, I, 210.

¹⁷⁰Guizot, *Mémoires*, II, 321-22.

¹⁷¹Sainte-Beuve records his belief that the discords between Périer and the King were softened by Guizot. *Nouveaux lundis*, I, 93.

A Legitimist uprising in the West under the leadership of the Duchess of Berry, and a simultaneous Republican insurrection in Paris created in June the most serious situation since the July Revolution. Both were suppressed without great difficulty, for Périer's energy had rallied the middle class with great success to his conservative policies. But vexing problems were left in the wake of the uprisings, and their solution, together with the tension of the European situation,¹⁷² taxed the mediocre talents of the ministry to the utmost, and it soon became apparent that its days were numbered.

Guizot was kept in Paris by the prevalence of the cholera in Normandy, where he would otherwise have taken his family, and spent the summer working on his *Révolution d'Angleterre* and watching the course of events. After the June insurrection he wrote to Mahul that the "parody of the Revolution of July" had failed, thanks to the cannon of the Government. "Two things are indispensable for governing, *la raison et le canon*. Charles X fell through lack of *raison*; we were tottering in default of cannon." Grave mistakes had been made by the authorities—he continued—especially the declaration of a state of siege *after* the victory had been won. He had given advice during the critical forty-eight hours, without thought of himself; sometimes it was not followed, and sometimes it was carried out badly. A new cabinet seemed indispensable.¹⁷³

Other letters to Broglie in the country and to Barante in Turin reveal the uncertainty felt by the Doctrinaires as to the political prospect.¹⁷⁴ Broglie advised as to combinations and argued that he himself would better be left out.¹⁷⁵ Guizot declared that he would be content with the Ministry of Public Instruction for himself, if the composition of the cabinet suited him.¹⁷⁶ Barante

¹⁷²See the *Journal* of Thomas Raikes for Tory hostility and alarm and for comments on the European attitude toward the unhappy French Government. Entries of 9 June, 8 July, 24 July, 18 Aug., etc., I, 44, 60, 66, 75.

¹⁷³18 June, Jeanjean, *Guizot et Mahul*, pp. 86-88. Cf. Guizot, *Mémoires*, II, 343 ff.

¹⁷⁴E.g., Guizot to Barante, 8 July, *Souvenirs de Barante*, V, 9-11; to Broglie 30 June, 9, 15, 23, 29 July, Val Richer, *Correspondance*, No. 93.

¹⁷⁵25 June, Guizot, *Mémoires*, III, 6, 7.

¹⁷⁶To Broglie, Guizot, *Lettres*, p. 122.

wrote with generous encouragement as to the future: he was sure that his friend would do a great work when the "love of mediocrity" and "ostracism of superiority" should subside.¹⁷⁷

The manner of victory over the June insurrections exhausted the prestige of the ministry. The proclamation of martial law was merely embarrassing—as Heine remarked, not a cat was shot¹⁷⁸—and the Opposition journals continued exceedingly bold, printing daily provocations to violence; prosecutions were futile, since the juries, lukewarm toward the Government and intimidated by threats, refused to convict. The King, advised by Talleyrand, who had refused to head a ministry himself, at length saw that a strong cabinet was again imperative if the ground gained by Périer was not to be lost.¹⁷⁹ Dupin, who was strong in the Chamber, and who Louis-Philippe hoped might be willing to keep the Périer cabinet, especially Sébastiani and Montalivet, proved coy and difficult,¹⁸⁰ and finally Marshall Soult, a personage without definite political convictions of his own—a sort of "political polygamist," Guizot called him¹⁸¹—was entrusted with the formation of a ministry: himself to be president of the Council. The portfolio of Foreign Affairs was the first consideration. Broglie had characteristically underrated his own availability. His illustrious name and his reputation for probity promised to insure the respect of the courts of Europe; Talleyrand knew how favorably the English would look upon his appointment, and Sébastiani himself urged it upon the King. It was hoped by the inclusion of Broglie to secure the support of the Doctrinaires without bringing in Guizot, the most conspicuous champion of unpopular policies. But Broglie made his friend's entrance a condition to his own acceptance, and could not be budged.¹⁸² Dupin was approached again with no greater success.¹⁸³ Meanwhile

¹⁷⁷ 4 Aug., 1832, *Souvenirs de Barante*, V, 16.

¹⁷⁸ *Letters from Paris*, I, 328. Much light on the popular attitude toward the Government appears in the letters of June, 1832.

¹⁷⁹ Guizot, *Mémoires*, II, 356 ff.

¹⁸⁰ *Ibid.*; Apponyi, *op. cit.*, II, 265 (entry of 13 Oct.)

¹⁸¹ Guizot, *Mémoires*, II, 359.

¹⁸² Guizot, *Mémoires*, II, 361; Saint-Priest to Barante, 4 Oct., 1832, *Souvenirs de Barante*, V, 24, *Constitutionnel*, 5 Oct., 1832.

¹⁸³ Soult to Dupin 5 Oct., Dupin to Soult, 7 Oct., cited Guizot, *Mémoires*, II, 368.

such common friends of Guizot and Thiers as Rémusat had convinced the latter that the unpopularity of the former was a "vulgar objection."¹⁸⁴ The proposal to give Guizot the portfolio of Public Instruction instead of the Interior, as at first planned, finally removed all misgivings. It was seen to have several advantages: the popular Municipal Commission of July, 1830, had designated him for the post; his fitness for it was generally recognized; and there he would not be regarded as so clear a challenge to the radicals. The solution could not be displeasing to Guizot since he had himself anticipated it. "You will approve, I am sure," he wrote to Barante, "my having wanted nothing more than the ministry of Public Instruction. I shall not say a word the less for it, and all spectators will take it kindly."¹⁸⁵

The combination finally effected owed its distinction to the alliance of Broglie, Guizot, and Thiers, but it comprised other able men: Marshal Soult, the nominal president of the Council, Admiral Rigny, Barthe, d'Argout, and Humann. Had it included Dupin, it would have been completely representative of the strong conservative majority in the Chamber. The desirability of including him had been recognized by the Doctrinaires, and without him there were serious doubts of adequate parliamentary support.¹⁸⁶

The man whose presence in the ministry had been considered necessary to allay popular suspicion of "quasi-legitimacy" was ten years younger than Guizot, but had already, at the age of thirty-five, achieved celebrity. Jean Louis Adolphe Thiers, born of a humble family in southern France, had been educated at Aix and Marseilles and admitted to the bar at twenty-three. His versatility was as remarkable as his restless ambition. Literature and journalism proved more fascinating than the law, and in the decade when Guizot made his reputation as a historian, Thiers published his history of the French Revolution¹⁸⁷ and be-

¹⁸⁴*Ibid.*, p. 363.

¹⁸⁵14 Oct., 1832, *Souvenirs de Barante*, V, 32.

¹⁸⁶Broglie to Guizot 25 June, 1832, Guizot, *Mémoires*, III, 6, 7; Guizot to Barante 8 July, 1832, *Souvenirs de Barante*, V, 10; Rigny to Dupin soon after the formation of the cabinet, Guizot, *Mémoires*, III, 7.

¹⁸⁷Of which Carlyle said that it was "as far as possible from justifying its high reputation."

came famous. He was one of the chief contributors to the *Constitutionnel*; he gave its chief vogue to Coste's enterprise; and he was associated with the younger Doctrinaires in the publication of the *Globe*. As one of the editors of the *Tribune* in conjunction with Carrel and Mignet he played a prominent part in the journalistic opposition to the Bourbon reaction, and took the aggressive part in the July Revolution which has been mentioned. He ranked at first among the radical supporters of the new monarchy, but after the failure of his patron Laffitte, he swung to the right, supported Périer, and even, as has been related, defended so unpopular an institution as the heredity of the peerage.

Thiers's manner of life did not command the respect accorded the Doctrinaires even by their enemies; and after he identified himself with the policy of resistance he suffered keenly from scurrilous attacks on his integrity in the radical press. (Thureau-Dangin cites one journal's representation of him as Mercury, "the god of eloquence and something else.") His personal association with *chevaliers d'industrie* made him vulnerable, and his family was a source of embarrassment to him. His father is said to have repaired to Paris on one occasion to demand money from his prosperous son, and to have resorted to the most humiliating publicity to get it.¹⁸⁸ But Lamartine describes a dinner at Thiers's house in Paris where an old woman in peasant attire arriving unexpectedly was greeted most affectionately by the host and introduced to his guests as his mother.¹⁸⁹

With none of Guizot's distinction of appearance and bearing, Thiers was nevertheless a great parliamentary orator. He was small of stature, his voice rather feeble and shrill. But his mind was as agile as his body; little escaped his eager curiosity;¹⁹⁰ he had a gift for comprehending everything and for explaining to the Chamber with careless lucidity the questions they had to decide and did not understand. He was ingratiating, abundant, omniscient. Men felt at their ease with him and liked to listen

¹⁸⁸Thureau-Dangin, *op. cit.*, II, 275, 276 n.

¹⁸⁹*Mémoires politiques*, I, 285, cited Whitehouse, *Lamartine*, I, 342, 343.

¹⁹⁰When traveling in Germany in 1841 he wrote to his mother-in-law, "I devour all I see with that mental avidity you know in me." 13 Aug. *Correspondance*, p. 13.

to him; "he was apt," says Blanc, "at pretending mediocrity."¹⁹¹ In 1840 Heine, after attending the parliamentary debates of early April, wrote with admiration of Thiers as able to speak "from morning to midnight unwearied . . . delighting his hearers, instructing and amazing . . . like oral fireworks."¹⁹² Guizot at the tribune was grave and sedate, taking himself and his audience very seriously, compelling admiration and assent by the logic of his arguments and the sober felicity of his phrases. The illuminating brilliance of Thiers was without great depth of feeling or conviction; Guizot's measured eloquence often glowed with passion. Thiers engaged the attention of the Chamber; Guizot commanded it.¹⁹³

In the "cabinet of 11 October" the "grave southerner and the gay"¹⁹⁴ were to cooperate loyally, their rivalry held in abeyance by the exigencies of the situation, each feeling that the other was necessary to the prestige of the Government. Thiers's ambition was not yet fully aroused; the distribution of portfolios, with Guizot in a non-political department and himself at the Interior could but be agreeable to his *amour-propre*; he admired Broglie, and did not as yet aspire to the presidency of the Council or the conduct of foreign policy. If he felt some disquiet at a connection with men already so far apart from his friends Laffitte, Lafayette, and Barrot, he was nevertheless ready for a break with such of the party of *mouvement* as Mauguin, Cabet, and Pagès; and he was convinced of the necessity of firmness if the Orleanist monarchy was to endure.¹⁹⁵ On the morrow of the formation of the cabinet he wrote to Bugeaud: "In all conscience, where are men to be found more capable, more honorable, more worthy of a régime of liberty than MM. de Broglie, Guizot, and Humann? Does it not take an infamous genius for calumny to find anything to say against such men?"¹⁹⁶

¹⁹¹*Op. cit.*, II, 72, 73: cf. Barante to Anisson du Perion 27 June, 1840, *Souvenirs de Barante*, VI, 453.

¹⁹²9 April, 1840, *op. cit.*, II, 47.

¹⁹³The parliamentary records are the chief source for these statements. Cf. Blanc, *op. cit.*, II, 73.

¹⁹⁴Phrase of Hanotaux, *Contemporary France*, I, 45.

¹⁹⁵Saint-Priest to Barante 3 Nov., 1832, *Souvenirs de Barante*, V, 40; Guizot, *Mémoires*, III, 7.

¹⁹⁶12 Oct., 1832, cited Thureau-Dangin, *op. cit.*, II, 176.

Thus was launched a ministry which was to endure longer than any other of the decade, not indeed without undergoing several crises and changes, but with its essential character preserved. Guizot undertook in it, in his special department, a task for which he was eminently qualified; where he won the commendation which history has been over-ready to deny him elsewhere, and where he palpably realized his ambition to serve the progress of civilization. The Guizot law for primary education was his recognized contribution to the most fundamental problem of a democratic age.

CHAPTER III

THE CABINET OF 11 OCTOBER

I

The prospect before the new ministry was not for smooth sailing. The energies of government during the two years since the July Revolution had been of necessity given to resisting the revolutionary *élan*; it was arrested but it was not satisfied. The interval since Périer's death had brought first new hope to the enemies of the *Juste Milieu*, and then new disappointment and irritation. *La Vendée* and the capital were still seething with excitement. Foreign governments were disquieted; the continental powers not benevolently so. Opinion in their capitals was that France needed a *coup d'état*.¹ Talleyrand found London none too confident in the power of the new government to master the situation, and was himself impressed with the "enormous difficulties" in its path.² At home the cabinet was ill-received by the press, with the exception of the *Journal des Débats*.³ The Austrian ambassador expressed the opinion current in aristocratic salons when he observed on 13 October that the King had "cast himself into the arms of the Doctrinaires"; "the Republicans," he added, "breathe fire and flame."⁴ The parliamentary outlook was cause for deep anxiety; the temper of the Chamber was likely to be capricious.⁵ Dupin's formidable influence was an unpredictable factor, for since Périer's death he had sought to detach himself somewhat from the Conservatives and especially from the Doctrinaires.⁶ The "Third Party" was foreshadowed by his attitude.⁷

¹Barante to Guizot, 28 Oct., 1832, *Souvenirs de Barante*, V, 36. In June Thomas Raikes had written in his *Journal* (9 June, I, 49) that all the Powers were favorable to a "military despotism" in France.

²Duchess of Dino to Barante, 17 Oct., *ibid.*, p. 33.

³The *Constitutionnel*, for example, the most moderate of the Opposition journals, announced the ministry "with a profound feeling of sorrow and consternation" (11 Oct.)

⁴Apponyi, *op. cit.*, II, 265.

⁵Guizot to Bioglie, 5 Aug., 1832. *Lettres de M. Guizot*, p. 126.

⁶Barrot, *Mémoires*, I, 287, 293. See above, p. 103, n. 186.

⁷Thiers to Talleyrand 11 Oct., 1832, Talleyrand, *Mémoires*, V, 10.

The ministers took office in a mood of high seriousness. "We intend to fight for the cause of civilization," wrote Broglie to Talleyrand in London on the day the cabinet was announced,⁸ and in Guizot's letter of the same date is a declaration in the same spirit: "We accept the honor and the burden of maintaining the cause of order, of peace, of legally constituted interests, of true social principles—the cause of civilization and the security of Europe."⁹ Thiers wrote that the King was convinced that the "policy of moderation at home as abroad, can alone insure peace to France and to Europe."¹⁰ The uncertain attitude of the Chamber was the darkest cloud on their horizon. Their great fear was that if they failed to maintain a majority, the Opposition would plunge France into war.¹¹ Guizot's friends in the provinces wrote anxious letters,¹² and for all his temperamental optimism and confidence in the face of struggle, Guizot confessed to Barante that he sometimes shuddered at the obstacles, feeling that perhaps they were about to play the last round in the great fight for order and the peace of Europe. "M. Périer rendered an immense service; he arrested the material disorder. But the political disorder, the intellectual disorder remain, and they must be conquered." The ministers—he assured his anxious friend—would leave no stone unturned to rally all the leaders of the majority, would make an especial effort to secure Dupin, and would be "clear and trenchant" in their pronouncements.¹³ In a circular sent by Soult to the high functionaries,¹⁴ the ministry announced its system as a continuation of that of Périer, with no reminder that some of its members had anticipated that policy. But if Périer's work were really done, if the insurrection of June should prove to have been indeed the "parody of the revolution of July" instead of the prelude to another weary struggle—they could go on to resume the "ordered progress" which was

⁸Talleyrand, *Mémoires*, V, 7.

⁹*Ibid.*, p. 8.

¹⁰*Ibid.*, pp. 9, 10.

¹¹Broglie to Talleyrand, 12 Oct., 1832, *ibid.*, p. 11.

¹²Cited Guizot, *Mémoires*, III, 5, 6.

¹³Guizot to Barante, 14 Oct., 1832, *Souvenirs de Barante*, V, 31, 32.

¹⁴Cited by Thureau-Dangin, *op. cit.*, II, 177, 178.

their sober ideal. "We had all at heart," wrote Guizot a quarter-century later, "to found in France a government of law and freedom."¹⁵

The task of phrasing the royal speech to the Chambers at the opening of the approaching session was assigned to Guizot. It was no easy matter to find words that suited both cabinet and King; when the rough draft was submitted to Louis-Philippe, every paragraph and every phrase was scrutinized by the cautious monarch, and only after a fortnight of discussion and many goings and comings on Guizot's part between the Tuileries and the Council was the discourse completed to everybody's satisfaction.¹⁶ The fatigue and strain incident to the task aggravated an attack of bronchitis from which Guizot had been suffering for some time, and on returning home from the royal session on 19

¹⁵*Mémoires*, III, 18.

¹⁶Guizot, *Mémoires*, III, 36-39. On the basis of this account, Hillebrand says the King dictated to the ministers the discourse for which they had to bear the responsibility. *Op. cit.*, I, 396. The following summary of the significant paragraphs of the speech shows clearly enough that it was conformable to Doctrinaire ideas:

The days of 6 and 7 June have revealed how dangerous would be a policy which would humor subversive passions instead of repressing them.

It has been demonstrated what a force in time of danger a constitutional king has in the support of the nation.

The government, having given existing legislation all the energy compatible with justice, it is for the Chamber to see if the laws need to be reviewed with the object of guaranteeing security and liberty.

The government will persist in the way of moderation and justice followed by the able and courageous Périer.

Relations with other powers are good. The alliance with Great Britain will be a source of well-being, strength, and peace for all Europe.

In cooperation with the British navy our forces are at this moment arriving under the walls of Antwerp to demand from Holland execution of the treaty granting Belgian independence.

The treaty of 1831 with the United States will be communicated to you. Authorization will be asked for a Greek loan.

Laws promised by article 69 of the *Charte* will be introduced: on the responsibility of ministers, on departmental and municipal administration, on the organization of public instruction, etc.

For the full text, see *Archives parl.*, LXXVII, 667-668.

November,¹⁷ he took to his bed and was a most unwilling stranger to the lively debate in the Chamber on the reply to the Crown.

For six weeks he was critically ill, but from his sickroom he followed the course of events with eager interest.¹⁸ Things went unexpectedly well. The Crown speech had been well-received;¹⁹ Dupin seemed well-disposed,²⁰ and the Chamber elected him president in consonance with the desire of the government, which hoped thus to prevent a defection; the Address in reply to the Crown was favorable, and in its discussion Soult, Thiers, Duvergier de Hauranne, Barthe, and Broglie took occasion to emphasize and defend the ministerial announcement of policy against the attacks of Barrot, Salverte, and Garnier-Pagès, to the satisfaction of the Chamber.²¹ Broglie's first move in the matter of Belgium proved successful; the Antwerp expedition, an assertion à la *Pérrier* of French determination to protect her neighbor against Holland, pleased French pride without endangering the *entente cordiale* with England. The arrest of the Duchess of Berry at Nantes, in early November, had put an end to any danger in the Vendée, although the problem of what to do with her was a thorny one which Guizot pondered anxiously during his weeks of convalescence.²² The attempt on the King's life on the day of the royal session, and the admirable coolness he displayed

¹⁷Rendered dramatic by the fact that as the King and his sons entered the hall of the Palais Bourbon, the assemblage learned that they had had the narrowest of escapes from an assassin's bullet as they crossed the bridge of the Tuileries.

¹⁸Guizot, *Mémoires*, III, 40-42.

¹⁹The announcement of the Antwerp expedition struck, of course, an immediately responsive chord and was received with "acclamations" Count Apponyi's entry in his journal after the royal session was: "The Address is perfect" *Op. cit.*, II, 285.

²⁰Duchess of Broglie to Mme. Anisson, 7 Nov., 1832, *Lettres de la Duchesse de Broglie*, p. 192.

²¹27-30 Nov., 1, 3 Dec., *Archives parl.*, LXXVII, 709 ff., 724 ff., 751 ff.; LXXVIII, 9 ff., 31 ff., 69 ff.

²²In his memoirs (III, 49) he records his judgment that the King had been right in wanting to set her free at the frontier, and the ministers wrong in thinking it necessary to keep her in the fortress of Blaye until the revelation of her secret marriage discredited her and her cause in the eyes of the French people.

—as always at such moments—had aroused sentiments of devotion of which the poor monarch was sorely in need, and which redounded to the benefit of his ministers.²³ The Liberal victory in the English elections was cause for Doctrinaire rejoicing.²⁴ Altogether, when Barante came to Paris in December to help defend the government projects in the Peers, he thought the situation greatly bettered at home and abroad.²⁵

With the coming of the new year, Guizot was able to take up the duties of his department and to set to work in earnest on the promised law for primary schools. The task was a congenial one. A letter written by his wife to her sister, shortly before his illness, testifies to that fact and to much else. It runs, in part, as follows:

"I know that public life is difficult, stormy, perhaps perilous, and yet I am much rejoiced to see my husband in it again. Before our marriage, he asked me one day if I should never be frightened at the vicissitudes of his life; I see yet his eyes glowing with delight at hearing me reply that he might be tranquil, that I should rejoice passionately at his triumphs and have not one sigh for his reverses. What I said to him is still true, my dear—the promise I made him I shall keep; I am disturbed, I am desolated, by the obstacles, the annoyances, the struggles, the dangers that he will meet on his path; but, all in all, I am confident and I am content, since he is. My life, moreover, is not shattered as it was during his ministry of the Interior; I see, indeed, less of him than I could wish; but he breakfasts and dines with us, sleeps a reasonable number of hours, and is well, although he works hard. The character of his ministry is, moreover, agreeable to him, he finds himself with pleasure in the midst of the companions and work of his youth . . . And, my dear sister, if God will let me live for him and him for me, I shall be always, even in the midst of all the fears and all the trials, the happiest of creatures."²⁶

²³Mme. de Broglie to Barante 21 Nov., 1832, *Souvenirs de Barante*, V, 42.

²⁴Barante to Anisson du Peiron 18 Dec., *ibid.*, p. 44.

²⁵*Ibid.*, p. 43.

²⁶22 Oct., 1832, Guizot, *Mémoires*, III, 51, 52.

Élisa Dillon had owed much in her mental development to Pauline de Meulan, and she gave her husband much of the intellectual companionship and cooperation which distinguished his first marriage, with in addition, a quick and self-forgetting responsiveness and a spontaneity of feeling that refreshed and enchanted him.²⁷ She was to remain forever young for him. She bore him a son—her third child—in mid-January; she recovered her strength rapidly, was over-ambitious, fell ill of fever, and died on the eleventh of March. In 1842, Guizot wrote to Henry Reeve after the death of Mrs. Reeve in similar circumstances: “. . . Nine years have gone by since the same blow struck me . . . Since then, my life has been very active . . . The emptiness is still there. Nothing replaces a true and complete happiness . . . Take care of your child, and work . . .”²⁸

There was plenty of work at hand in the spring of 1833. The business of his department was in arrears; the project for primary education, presented before Élisa's death, was soon to be discussed and must be defended against formidable opposition; and his aid was needed in the decisions of the government on general policy. He did not wear his grief for the eye of the casual observer,²⁹ and even his intimate friends, observing his outward serenity, scarcely realized what he suffered. Madame de Broglie, who had lost a daughter in 1832, and who had mastered her grief when her husband took office in order to preside fittingly in her salon,³⁰ was one of the few to whom he could talk of his loss;³¹ the time came when he could write of it to such old friends as

²⁷See their letters, *Lettres de M. Guizot*, pp. 78-106, and a letter of Guizot to Barante 14 June, 1836, *Souvenirs de Barante*, V, 409.

²⁸13 Dec., 1842, Laughton, *Memoir of the Life and Correspondence of Henry Reeve*, I, 153.

²⁹Molé wrote to Barante, 16 March, 1833: "I pity the poor M. Guizot from the bottom of my heart. It is not that his manner of being unhappy would be mine, but if the forms and manifestations of grief vary according to nature and habits, the heart is none the less broken. I know it, and not everybody realizes it always." *Souvenirs de Barante*, V, 56.

³⁰Duchess of Broglie to Mme. de Sainte-Aulaire 5 and 20 Oct., 1832, *Lettres*, pp. 187-190.

³¹Guizot, *Mémoires*, III, 53.

Royer-Collard,³² and Barante³³ "It is with personal grief as with happiness," he wrote long afterward in the *Mémoires*, "one can neither talk of it nor be absolutely silent about it."³⁴

For a few politically serene months after the opening of the session of 1833 it had appeared that the adversaries of the Orleanist monarchy had abandoned the field, and the cabinet had set to work on the program outlined at the royal session. Promised legislation—including a measure for local administrative reform such as the Doctrinaires had long advocated, a law on expropriation for the sake of public utilities, a budget reform measure, a program of public works, and the Guizot project for primary education—had been presented to the Chambers. Guizot and his friends cautiously indulged the hope that the period of security for which they had longed had dawned and that they might now demonstrate their conception of reasonable progress in an ordered world. In the Chamber of Peers in February Guizot declared that the policy pursued since the advent of Périer had won the battle for public order and true liberty. "The tumults are dead," he said, "the clubs are dead, the revolutionary propaganda is dead, the revolutionary spirit—that spirit of blind war which seemed for a moment to have taken possession of the nation—is dead; the spirit of peace rules today in the whole

³²A letter of Royer-Collard's of 6 Aug., 1833, preserved by Guizot, reads in part as follows: "Your letter, my dear friend, has not only moved me; it has cast me down with you into the abyss . . . I did not think it to be so deep; your self-mastery, which seems to govern your soul as well as your words, without entirely deceiving me, had prevented me from penetrating far enough . . ."—Guizot, *Mémoires*, III, 53.

³³A letter of 26 Oct., 1833, begs forgiveness for previous silence, speaks of his sufficiency for the necessities of his daily task, then, "I have an inexpressible need of repose, of solitude, of idleness in solitude. In idleness alone . . . I recover something of my past . . . I believe that I shall suffice for all that life demands of me; but I take no pleasure in it and I was accustomed to take much. You recall a *canzone* of Dante on the death of Beatrix in which he says of himself: 'Io non mori, e non rimasi vivo.' That is my state indeed."—*Souvenirs de Barante*, V, 85.

³⁴*Mémoires*, III, 52.

of society."³⁵ But the Government was not over-confident of the permanence of peace, and was minded to forearm itself against a recurrence of insurrection by obtaining a legal authorization for declaring martial law in certain cases of grave disorder.³⁶ Parliament was however displaying a natural tendency to relax in the support of a steadfast policy of resistance. Guizot on the occasion just mentioned was defending the measure requested against the charge that its passage would constitute a "monstrous libicide." No government, he countered, had ever shown so much respect for liberty as the July Monarchy.³⁷ Had it only shown more complaisance to the revolutionary spirit, it might, he declared, have sinned against liberty with impunity (His hearers knew that any harshness against the Carlists would have been commended by the Republicans.)

In spite of the reasonableness of the bill, the Government felt the opposition to be so bitter that the measure was allowed to die in committee—but in June when the session of 1833 reached its term, the legislative program of the ministry had been largely successful. Of fifteen important bills, nine had been passed and the others were ready for discussion in the next session.³⁸ In

³⁵16 Feb., 1833. *Archives parl.*, LXXIX, 698.

³⁶The proclamation of martial law in Paris at the time of the insurrection in the previous summer had been declared illegal by the Court of Cession.

³⁷On this point it is interesting to read Heine's comments on the situation in Paris during the previous summer. He went to a meeting of the *Amis du peuple*, and found it droll to listen to loud declamations against oppression that would have subjected the speakers to severe penalties in Germany. (Letters from Paris, I, 85.) Fournière in his volume of the *Histoire Socialiste*, makes the same point. (*Le Règne de Louis-Philippe*, p. 218.) Even after the proclamation of martial law, Heine found that more practical freedom was allowed the French press than was permitted in many other countries in normal times. The military tribunals inspired no terror, and the *Juste Milieu* appeared uncomfortable with its extraordinary power. *Op. cit.*, I, 318, 328.

³⁸Guizot, *Mémoires*, III, 202, 203. Visitors from Italy returned with glowing reports of the restored prosperity and peace of France. Barante to Guizot, cited Guizot, *Mémoires*, III, 219. The more important measures passed were the reform of local administration, the law of expropriation, the budget reform, the law on primary instruction, and a great

view of the restored tranquillity, and confident of the approval of the electors for the reform program, Guizot and Rémusat at least, and perhaps others of the Doctrinaires, were eager for a dissolution of the Chamber and new elections which would, they believed, insure a firm majority for the next five years. But the cabinet could not be persuaded to risk it; in the fall, on the eve of the reopening of the Chamber, Guizot regretted keenly that he had not had his way.³⁹

For the tranquillity had been of brief duration. The Carlists had indeed abandoned any hope of successful revolt after the fiasco of their attempt in 1832, but many of their leaders were willing to make common cause with the Republicans in making trouble for the Government. "If they had not the same paradise, they had at least the same hell."⁴⁰ The secret societies were not dead, but reorganized in small sections to evade the law; their leaders were of the radical wing of the party and exhorted their fellow-members to prepare to fight again for the Republic of the glorious days of Robespierre and Marat.⁴¹ The Republican press had talent at its disposal and few scruples in its attacks on the odious *Juste Milieu*. The government made the mistake of initiating prosecutions which resulted in "scandalous acquittals"⁴² and only gave advertisement to the radical propaganda. (In his memoirs Guizot acknowledges the mistake and cites Washington's policy of ignoring attacks as the one they should have followed)⁴³ Thiers's project for the fortification of Paris was bitterly denounced by the Republicans as a scheme not to protect the capital but to intimidate the people and if necessary to silence them with cannon. For the anniversary in 1833 of the abortive June uprising of 1832, the *Société des droits de l'homme*

appropriation for public works. The hostile *Constitutionnel*, which had demanded a legislative program in the fall of 1832, complained in the spring (25, 27, 29 April) of the "fatiguing profusion" of projects!

³⁹Rémusat to Guizot, 10 Aug., 1833, Val Richer, *Correspondance*; Guizot to Barante, 26 Oct., 1833, *Souvenirs de Barante*, V, 85.

⁴⁰Heine, *op cit*, I, 126.

⁴¹For the character of their appeals see Guizot, *Mémoires*, III, 206, 207.

⁴²For the means of intimidation of the juries, which were not Republican in sympathy, see Hillebrand, *op cit*, I, 417.

⁴³Guizot, *Mémoires*, III, 212-216.

issued a manifesto calling openly for "insurrection and death" and declaring no quarter to the rich.⁴⁴

Late in 1833 there was another wave of revolutionary agitation, with rioting in Paris and numerous strikes there and elsewhere. On the eve of the renewal of disorder, Rémusat wrote to Guizot from Toulouse: "The situation is ameliorated, precisely because it is less serene. You know that I fear nothing so much as an exaggerated security which would make evident all the different shades of opinion, all the pretences, all the vanities. We have need always of a little danger to be reasonable. For the same reason, I do not concern myself too much with these coalitions of workingmen. In spite of appearances, I do not believe this yet serious. No one believes more than I that we have in France a serious social malady, beyond all known remedies perhaps; but it can be palliated for a long time yet; these troubles are premature symptoms; they can only rally the middle class and put it on its guard."⁴⁵ This was the preoccupation of the Doctrinaires: to keep the middle class rallied to the support of the constitutional monarchy, not in blind or callous obliviousness of the misery of the workingmen, but seeing the *Juste Milieu* as the only government which could assure the order and liberty in which alone human reason could work effectively for the solution of the problems of society. The function of organization and mass action in the rise of labor out of the wretchedness of the early nineteenth century they could not foresee. The agitators of revolution were in their eyes merely the selfish exploiters of the ignorance and poverty of the masses.⁴⁶

II

When the session of 1834 opened, late in 1833, the uncertain temper of the Chamber was manifested in the ambiguous character of the address in reply to the Crown. It was reported by a committee in which "Third-Party" men dominated. This group, who looked to Dupin for leadership, were assuming more

⁴⁴Cited by Pournière, who describes it as a proclamation of "permanent insurrection." *Op. cit.*, p. 247.

⁴⁵Guizot, *Mémoires*, III, 220.

⁴⁶In the Chamber in 1837 when the ministry of which he was then a member had been charged with indifference to the miseries of the poor,

and more an independent attitude in the conservative party. The Address was in no sense one of avowed opposition, but such features as an emphasis on the Carlist danger rather than on the Republican, the reservations in its commendation of the peace policy of the government, and the ascribing of the defeat of the riotous spirit to the "sovereign will of the people," explain the signs of satisfaction with which the Opposition greeted the report.⁴⁷ They attacked the "system" of the cabinet, and the debate was not on the Address but on the policy of the ministry. Mauguin accused the government in general of tyrannical intention, and Guizot in particular of deeply reactionary designs, citing his defense of hereditary aristocracy and his attitude toward Catholic Christianity and the clergy.⁴⁸ Berryer, the superb orator of the Right, as was his wont, joined the attack on the *Juste Milieu*.

In replying to Berryer,⁴⁹ Guizot defended the July Revolution as similar to that of 1789, which had been "undertaken against absolutism and privilege, to introduce, not that absolute equality and liberty which are not of this world . . . but . . . much more equality and much more liberty than had before existed, into French society," but which had found itself promptly called to another task. "In its struggle against absolutism, against privilege, it unchained anti-social ideas and passions, it unchained those chimeras of absolute equality, of unlimited liberty, those dreams of honest men and those passions of wicked men, against which we struggle today." And the revolution of 1789, he con-

Guizot spoke these words: "We are always hearing, and I associate myself from the depths of my heart with the complaints on the subject, we are always hearing of the distress of the lower classes, of their material sufferings, of the ills and dangers to which they are subject. I am more troubled by it than anybody, and I desire as much as anyone that the means be found to alleviate it. But there is another class of ills to which they are subject which touches me even more if that be possible. It is their moral misery, the enemies who prowl around to pervert them, corrupt them, carry them away, exalt their passions, and make of them instruments of social disorder."—28 March, 1837, *Archives parl.*, CIX, 57.

⁴⁷See the discussion of 3 Jan., 1834 *Archives parl.*, LXXXV. For text of address, *ibid.*, pp. 384-86.

⁴⁸*Ibid.*, pp. 425 ff.

⁴⁹*Ibid.*, pp. 471 ff.

tinued, found itself "condemned to what? to the policy for which we are reproached today, to the policy of the *Juste Milieu* They reproach us for fighting on the one hand against absolutism and privilege and, on the other, against anarchy!" "Real liberty," he declared, "I mean the liberty of all—such liberty exists only on condition of security. Ardent, turbulent spirits invoke tempests and revolutions; they do not fear them; they are free in them; but prudent, reasonable men, who represent the mass of society have need of calm and security to be free." The *Juste Milieu*, he declared, had, by repressing the party of violence, succeeded in averting "one of those great reactions which throw societies fatigued with anarchy back into despotism."

Berryer had declared a middle course impossible of success. To this Guizot replied as follows: "Gentlemen, they deceive you; you have succeeded; I do not say infallibly, without danger of relapse; I do not say you are not condemned to persevere long and laboriously in the same system We shall see again, I grant, what we have seen for three years these excesses, these violent uprisings, these alliances they call Carlo-Republican. We shall fight (them); we shall labor to make them, voluntarily and with good grace, accept justice, reason, equity; and if they are unwilling to accept them with good grace, we shall try to impose them by authority of the law, by the force of government

"They talk of mistakes that we have made; but what government, in a situation as difficult as that in which we have found ourselves, has been able to avoid mistakes? I am sure that we have never been violent, or persecutors I do not say that there have not been some errors, some social injustices but there have been fewer of them, far fewer, than in any other system of government, for our policy has been to struggle constantly to remedy our mistakes."

He refused to revile the Restoration. The Bourbon government fell, he said, because it abused the principle of constitutional monarchy. But the years 1815-1830 had not been, on the whole, a period of oppression. "I do not hesitate to say before this Chamber, France was freer during the greater part of the period of the Restoration than she had been in most of the past, and it is in the school of that liberty that we learned the elements

of that moderate just policy, friend of the law, which since the Revolution of July has made the safety of our country."

Guizot's was not the only notable defense of the ministry. Lamartine praised it for its legislation to ameliorate the conditions of the poor, especially commending the Guizot law, paid tribute to the high probity of Broglie, and registered his approval of the repression of disorder, referring to the civic spirit of Périer.⁶⁰ Thiers delivered an able and characteristic speech, making his audience laugh, and bringing down upon himself a rebuke for his "levity" from the solemn Mauguin.⁶¹

While the Chamber listened to enemies and friends of the *Juste Milieu*, the cabinet was again anxiously considering the problem of Republican propaganda.

At the period under consideration, early in 1834, the ministry made no attempt to alter the press law. But after securing from the Chambers the means of dealing effectively with the public criers, "heralds of armed revolt,"⁶² who hawked cheap and inflammatory Republican leaflets,⁶³ and after suppressing the riots which followed,⁶⁴ the government prepared a bill for a law designed to reach the reorganized secret societies. These had grown very bold; in the Chamber, in January, during the discussion of the Address, three deputies—of whom Voyer d'Argenson was one—avowed membership in the *Société des droits de l'homme*. The movement continued to gain during the late winter and early spring.⁶⁵ The measure was presented late in February and discussed in March. It was proposed to apply article 291 of the penal code to associations of twenty members or more, even when divided into sections of less than twenty; with provisions for imprisonment from two months to a year and fines

⁶⁰*Archives parl.*, LXXXV, 431 ff.

⁶¹*Ibid.*, pp. 442 ff.

⁶²Blanc, *op. cit.*, II, 230. Blanc adds that they were indecent and libelous and admits that it was the duty of the government to repress such disorder, but complains bitterly of the use of secret police disguised as workmen to enforce the law.

⁶³For discussion of the law on public criers, see *Archives parlementaires*, LXXXVI, sessions of 3-7 Feb.

⁶⁴"Perhaps sometimes brutally, . . . governments do not have angels at their service to pit against demons."—Guizot, *Mémoires*, III, 229.

⁶⁵Fournière, *op. cit.*, p. 257.

of fifty to one thousand francs, for violations of the law. Infractions were not to be treated as political offenses (which must according to the Charter be tried by jury) but were to go to the "courts of correction." Attentats against the "surety of the State" might be tried by the Court of the Peers.⁵⁶

On the twelfth of March Guizot appeared at the tribune of the Chamber and delivered a speech in defense of the measure that caused a sensation.⁵⁷ He recalled his position in September, 1830, when he urged the application of article 291 of the penal code to the peril of the moment, although convinced of its unworthiness to stand permanently in the laws of a free people: ". . . there will come a day, I hope, when France can see the abolition . . . of this article, as a new development of her liberties . . . who is to blame, I pray? Is it my friends and I?" ("Yes, yes," cried voices from the Right and the Left.) "It is not to us, it is to you and the party you defend, that is to be imputed this delay . . ."

"In your hands, liberty becomes license, resistance becomes revolution. Someone talked yesterday at this tribune of poisoners. Gentlemen, there is a party which seems to have assumed the rôle of public poisoner, which seems to have undertaken the task of befouling the most beautiful sentiments, the fairest names, the best institutions . . . It is this party which has brought all the checks to liberty, all the despotic reactions that we have had to endure; every time that it has taken possession of our institutions, of the press, of the tribune, of representative government, of the right of association, it has made such usage of them, it has drawn from them such danger to the country, such cause for terror, and permit me to add, for disgust, that at the end of a very little while the entire nation has grown indignant, alarmed, aroused, and Liberty has perished in the embraces of her shameful lovers . . ."

As to disappointments, shattered hopes, to which the Opposition referred so often: "It is my friends, my party, it is we who had conceived the highest hopes of the progressive development

⁵⁶For the presentation and text of the law 25 Feb., see *Archives pari*, LXXXVI, 690-693.

⁵⁷*Ibid.*, LXXXVII, 408 ff.

of our liberties and of our institutions. It is you who arrested them . . . instead of being left free . . . for the amelioration of our laws, of our institutions, instead of thinking of progress alone, we have had to face right-about, to defend the order you threaten, to occupy ourselves solely with the present and neglect the future, which till then had been the object of our dearest dreams."

As for the charge that the policy of resistance had been a policy of fear: "between those" he asked, "who since 1830, have constantly resisted . . . and those who have been disposed to yield, to excuse, to palliate, in truth, gentlemen, on which side is the fear? on which side is the firmness of mind and of heart?" He paid his respects to the "revolutionary cynicism" of the legitimists in allying with the apologists of the Republican party. That party he declared to be made up of two elements: "The Republicans of the past, heirs of the Convention and the clubs, and those of the future, the pupils of the American school, who think the United States should be the model for the old monarchical societies." To the latter he ascribed sincerity and high purpose, but he would not grant them even the distant future of France, although prophesying a long struggle between them and the monarchy for the favor of the French people. Constitutional monarchy—the happy issue of the Revolution—and a society of which the middle class was the directing force—these offered the surest guarantees of social progress. "The French Revolution was, as has been said many times, much less a political than a social revolution . . . It elevated the middle class on the ruins of the ancient aristocracy. If the middle class had barricaded itself there, shut in behind a triple hedge of privileges, monopolies, exclusive rights, such as existed three hundred years ago . . . I should understand the revolt . . . that some try to excite against it in some parts of our society. But there is nothing of the sort, absolutely nothing. Liberty exists in our midst, in all walks of life; progress is nowhere checked; with work, good sense, good conduct, one rises as high as our social ladder permits."

With such argument, not yet rendered absurd by the social implications of the machine, Guizot made himself the apologist and champion of a class which, if it has not always shown itself so

benevolent in its control of society as he intended it should be, has followed and outdone him in the admiration of its own virtues.

In specific defense of the law under discussion, he urged that a government which failed to suppress adversaries so openly and violently avowed to its overthrow would deserve to lose the countenance and support of honest, law-abiding folk. He declared the charge of an attack on liberty an absurd extravagance, similar to the charges of tyranny against Washington and to the current denunciation of Jackson in American newspapers.⁵⁸ As to progress, declared in danger by the Opposition, he maintained that its essential conditions, order and a receptive attitude to new and fruitful ideas, were guaranteed by the Government. The suppression of the societies would remove the gravest obstacle to progress in the existing situation.

Thiers, Rémusat, Lamartine, and Jouffroy were also conspicuous in defense of the proposal.⁵⁹ The Chamber found their arguments convincing, and voted the law by a large majority. But a few days later, before the measure had been acted on by the Peers, the Government suffered an unexpected defeat on its demand for provisions to carry out the "treaty of twenty-five millions" with the United States. A cabinet crisis was precipitated at a critical moment in the struggle between the monarchy and its adversaries.⁶⁰

The direction of foreign policy on the line laid down by the first Orleanist ministry had not been so difficult since 1832 as in the first two years of the new monarchy. The Belgian problem had passed its most acute stage, Poland had succumbed to her tyrant, the Italian question was in abeyance, and the bellicosity

⁵⁸Some of the friends of the Government regretted that the law had not been specifically limited to political associations.—Deeazes to Barante, 11 March, 1834, *Souvenirs de Barante*, V, 105. In the *Mémoires*, III, 230, Guizot calls it a mistake not to have acknowledged frankly that the measure was a "law of exception."

⁵⁹Lamartine's improvised speech is an example of the attitude he took an especial pride in maintaining, that is, of supporting the Government when he saw fit. See his letter to Vivien at the time for his excessive complacency in the rôle. Whitehouse, *Lamartine*, I, 422.

⁶⁰"Without the law against the clubs . . . the constitutional monarchy was done for—nothing is more certain."—Blanc, *op. cit.*, II, 234.

of the war-party in France had gradually abated. Broglie had continued Périér's firm but pacific dealing. He had endeavored to strengthen the *entente* with England, ignoring petty differences for the sake of great benefits, sharing heartily with Guizot the conviction that the cornerstone of the foreign policy of the French constitutional monarchy should be a good understanding with the British people. He had manifested such friendliness to the small states of western and southern Europe as might serve to draw them into the "constitutional system of the West," under the protection of the two liberal powers.⁶¹ The three great absolutist courts, on the other hand, especially Austria and Russia, he had treated with cold dignity,⁶² believing not only that their designs were inimical to the interests of France, but that their attitude to the new monarchy had been so unfriendly that any overtures on the part of the Orleanist government would ill comport with its self-respect.

In line with a generally pacific policy and with a conception of national honor which held to the fulfillment of national obligations, the Government had engaged itself in the Crown speech of November, 1832, to present to the Chambers the treaty with the United States signed in July, 1831, which the Périér ministry had not at that time dared to expose to the attacks of the super-patriots. The agreement provided for a payment of the American claims for losses to commerce during the operation of Napoleon's decrees against neutral shipping. In March, 1834, the Government had felt confident enough of parliamentary support to demand the enactment of the necessary financial provisions. The debate had begun late in March and continued for several

⁶¹E.g., the protection of Belgium, aid to the Spanish monarchy against the reactionaries, the Greek loan. See his great speech on the Greek loan, 18 May, 1833, *Archives parl.*, and Guizot's defense of the policy, 20 May, *ibid.*, LXXXIV, 42-43.

⁶²E.g., in his reply to their arrogant note demanding that France repress the activities of refugees. Guizot, *Mémoires*, IV, 33-38. Historians in general commend this attitude but Hillebrand would have it that he brought France to the verge of war with the powers of the Holy Alliance and that his resignation came just in time to relax the tension. (*Op cit.*, pp. 538-56.) And Sainte-Aulaire, French envoy to Austria, expressed relief at Broglie's resignation in a letter to Barante 17 May, 1834.—*Souvenirs de Barante*, V, 139.

days.⁶³ Berryer attacked the treaty with great effect though scant logic on the ground of the great value to the United States of the Louisiana Purchase. Bignon opposed the "surrender" implied in the settlement and recalled the glorious traditions of Imperial diplomacy.⁶⁴ The opposition developed unexpected strength and defeated the proposal by a vote of 176 to 168.

Broglie promptly made his decision to resign. His winter had been made wretched by ill-health and by a storm of criticism he had had to endure in January after an unfortunate speech during the discussion of the Address in which he had seemed to approve of Bignon's advocacy of an aggressive attitude toward the three absolute Powers.⁶⁵ He was conscious that the King was not particularly anxious to retain his services.⁶⁶ But, although resolved to go, he was equally determined not to allow the matter to be made a *question de cabinet*, and he insisted that his colleagues let him go alone.⁶⁷ This they decided to do, in view of the domestic emergency,⁶⁸ for the Republicans were preparing to resist the Associations Law.

⁶³23, 31 March, 1 April. *Archives parl.*, LXXXVIII, 111 ff.; 174 ff.; 202 ff.

⁶⁴To which Lamartine made the delightful reply, "I admire the whole Empire, gentlemen, from the Civil Code to the column of the place Vendôme, from the battles of Italy to the glorious reverse of Waterloo; I admire the whole Empire except its morality, its liberty, and its diplomacy!" *Ibid.*, p. 202

⁶⁵7 January See editor's note, *Souvenirs de Barante*, V, 97.

Duchess of Dino to Barante January, 1834, *ibid.*, V, 96.

Duchess of Broglie to Mme. de Sainte-Aulaire, 31 Jan., 1834, *Lettres*, pp. 206-207.

⁶⁶In a letter written shortly before the discussion of the treaty, Decazes expressed anxiety about Broglie. "I tremble lest he lose courage. The King is ill-disposed to him, the diplomatic corps not favorable." He added that their friend paid too little attention to his popularity, and that Cousin ran between Thiers and Molé and made trouble—26 March, 1834, *Souvenirs de Barante*, V, 107.

⁶⁷Broglie to Barante, 7 April, 1834, *Souvenirs de Barante*, V, 111-114

⁶⁸Guizot, *Mémoires*, III, 235-236; Guizot to Barante, 18 May, 1834, *Souvenirs de Barante*, V, 140. Mme. de Broglie wrote to Mme. de Sainte-Aulaire (5 April) that Victor's colleagues had done him no wrong "It was necessary not to deliver the nation to the Left for any affair which does not concern the policy of the country. It is sad for M. Guizot to re-

Since Broglie's illness in January, when speculation had begun as to his possible resignation, Molé had had his eye upon the foreign office.⁹⁹ By virtue of his experience and knowledge of European diplomacy and his service in the first Orleanist ministry of 1830, he could not but be considered eligible for the portfolio should Broglie retire. But when the latter's resignation made a decision necessary, Guizot had come to the conclusion—perhaps from learning Broglie's feeling on the question, perhaps upon reflection as to what might be the result of admitting into the cabinet a man whose attitude toward the Doctrinaires had long been ambiguous—that his friend must not be superseded by Molé. Accordingly he stipulated as a condition of his own continuance in office that Broglie's successor must be clearly an under-study, as it were, who would carry on his policies and accept his advice.¹⁰ Guizot had his way,¹¹ and the cabinet was

main, but he does so conscientiously, and I hold that he is entirely right." Rigny was the successor her husband had desired and would follow "absolutely the same course." *Lettres*, pp. 207, 208

⁹⁹For three months—Molé declared to Barante in a letter of 18 April, 1834—it had been said, in the Chambers and out, that he was the inevitable successor of Broglie.—*Souvenirs de Barante*, V, 115

¹⁰Guizot, *Mémoires*, III, 236.

¹¹But he felt impelled to make an explanation to Molé. In the letter cited above (n 69) Molé poured out his disappointment and chagrin. "M. Guizot"—he wrote—"to explain his brusque change toward me, came to tell me that M. Broglie would regard it as a personal reverse for me to become his successor." Molé thereupon characterized Broglie as a "very little man, very narrow, very full of pettiness."

More light is thrown upon this interview by a long letter from Mme. de Broglie to Guizot, dated simply "April, 1834" which may be summarized as follows: Dear friend, when you related your conversation with M. Molé, I yielded myself entirely to the impression which your upright and noble intention made upon me. But upon reflection a thought came to me that I must apprise you of. Your conversation will be repeated in a way you did not foresee. I know you said about Victor only what would honor him and what would wound Molé the least. But you did not think, nor we either, that the *résumé* of what you said might be this: "I excluded you, not for anything personal, nor even for political reasons, but because M. Broglie did not wish you for his successor. I rejected you only because you have been put forward as a trifle hostile to him." Victor has not the least anxiety about what you said, but he agrees with me that we should warn you of the false interpretation that may be made. We think

reconstituted with Rigny in the department of foreign affairs; Thiers now took again the ministry of the interior, which he had given up late in 1832 for commerce and public works, and Duchâtel—one of Guizot's most faithful friends and an expert economist—was brought in as minister of commerce. "The present Council," wrote Broglie to Barante, "is good, better than the last, and I am with it whole-heartedly."⁷²

Hardly was the cabinet crisis surmounted when the impending storm broke. The Republicans did not wait for the promulgation of the Associations Law on 10 April; insurrection began at Lyons on the fifth, there was less serious trouble at Marseilles, Grenoble, and elsewhere, and by the thirteenth rioting began in Paris.

The misery and discontent of the Lyonnese silk-workers had made Republican recruits of some of the bolder spirits, and the revolt there was desperately sustained, with encouragement from Paris.⁷³ Thiers and Guizot, in anxious consultation, decided that in the event of prolonged insurrection, one of them would go with the Duke of Orleans to Lyons while the other remained in Paris.⁷⁴ But the rebels were no match for the army, and on the day the street-fighting began in the capital, the ministry announced that the situation at Lyons was under control. Thiers was ready for the Paris uprising, and during the night the troops

the best thing to say is that Victor was in previous accord with you about going to Molé—it is really true, for except for the confusion you would have told us in advance.—The letter closes *Mille profondes tendresses Lettres de la Duchesse de Broglie*, pp. 209-211.

That Mme. de Broglie's fears for Guizot were well-founded is clear from a passage in a letter of Barante's to his sister, 13 June, 1834. He remarks that Molé blames Broglie exclusively for shutting him out—"others have found it convenient to charge to M. de Broglie a determination which was also their own."—*Souvenirs de Barante*, V, 144.

⁷²7 April, 1834, *Souvenirs de Barante*, V, 113.

⁷³Fournièr, following Blanc, (*op. cit.*, II, 249 ff.) charges the Government with having provoked the insurrection at Lyons with the intention of having done with the workingmen's union and the Republicans at the same time. He declares the repression unnecessarily ferocious at Lyons and Paris, and as surpassed only by Thiers's later suppression of the Communards. *Op. cit.*, pp. 270-271.

⁷⁴Guizot, *Mémoires*, III, 245.

stamped out the revolt, not without the hideous "massacre of the rue Transnonain," perpetrated by soldiers who had been infuriated by deadly sniping from a window. On the fourteenth, Guizot announced to the Chamber the restoration of order, and assured the Deputies, in the name of the Government, that measures "to prevent forever a return of such scenes," which would nevertheless observe a scrupulous respect for "public liberties and constitutional principles," were being deliberated.⁷³

A royal ordinance referred the trial of the captured insurgents to the Court of the Peers; legislation was secured to increase the army, and to punish the unauthorized possession of arms. Then the Chamber, having reached the end of its legal term, was dissolved (24 May) and the ministry appealed to the *pays légal* for its verdict on their policies.

The results of the elections offered no cheer to the disheartened Republicans, for the Opposition lost heavily. But the Chamber promised to be difficult on the question of finances, and in July Thiers and Guizot came to the conclusion that they must rid themselves of Soult as president of the Council and minister of war. His disagreement with them on Algerian policy—he insisted on the prolongation of military government there—and the charges that he was extravagant in expenditures for the army, made him embarrassing to the real leaders of the cabinet. The King had to be persuaded of the need for a change; another titular president had to be found. Guizot followed Louis-Philippe to the chateau of Eu, where he had gone for a few days' holiday to escape the quarrel, while Thiers remained in Paris to persuade Marshal Gérard to accept the office. Their little campaign was successful, although there was soon occasion to question its wisdom.⁷⁴

When the Deputies assembled in August, it was soon evident that the majority which the Government had rallied in the previous session had not been cemented by the victory over the

⁷³*Archives parl.*, LXXXVIII, 665.

⁷⁴For the ousting of Soult, see Guizot, *Mémoires*, III, 252-64; Blanc, *op. cit.*, pp. 288-89; Decazes to Barante, July, 1834, *Souvenirs de Barante*, V, 150; Barante to Guizot 5 June, 1834, Guizot, *Mémoires*, III, 253; Barante to Guizot, 26 July, 1834, *Souvenirs de Barante*, V, 151-153.

enemies of the monarchy. An "excess of security" redounded to the benefit of the "Third Party," whose leaders intimated rather than maintained that repressive measures should now be relaxed.⁷⁷ The Address in reply to the Crown, again the work of Third-Party men on the committee, was so equivocal in its references to the policy of resistance that after the Chambers were prorogued to meet in December for the legislative session, the Third-Party journals, having maintained a discreet silence during the parliamentary discussion, proclaimed it a defeat for the ministry.⁷⁸

An incident in the course of the discussion of their Address by the Peers, and its sequel in the Deputies, arrest the peruser of the Archives as a bit of drama, and deserve especial mention in a study of Guizot. In the upper house, usually so sedate and dull, one of the young peers, Dreux-Brézé, a Legitimist who had embraced radical ideas, attacked the restricted franchise and characterized the Orleanist régime as arbitrary, harsh, unprogressive, and extravagant, having spent on the army in time of peace as much as two years of "grand and glorious war" would cost!⁷⁹ Guizot, evidently keenly exasperated by such an accusation from such a source, answered him with crushing severity and scorn.⁸⁰ A few days later, Janvier, in the Chamber, having secured the attention of his audience by referring to "a minister, who, in his own sphere and in his own specialty displays and realizes liberal and progressive ideas," injected the issue of electoral reform⁸¹ into the discussion and continued as follows:⁸²

"Hillebrand assigns one hundred members to this group, which was later to become the Left Center—*Op. cit.*, I, 452. Dupin disavowed the name "Third Party" and called himself an Independent. See his discourse in the Chamber 5 Dec., 1834. *Archives parl.*, XCI, 164.

⁷⁷Thureau-Dangin, *op. cit.*, II, 269. For the text of the Address, *Archives parl.*, XCI, 50-51.

⁷⁸*Archives parl.*, XCI, 17 ff.

⁷⁹*Ibid.*, pp. 23, 24.

⁸⁰In the discussion of the Address in 1832, in Guizot's absence, the Opposition had attacked the limited franchise. On that occasion, Thiers had defended the electoral law of 1831, passed almost unanimously by the Chamber. *Ibid.*, LXXVIII, 761.

⁸¹13 Aug, *ibid.*, pp. 59 ff.

"Among the adversaries of this reform is one of whom I stand in awe . . . that one from whose utterances and writings I drew my first inspiration. I do not think I am faithless to his school in sustaining a thesis he has so harshly qualified as neither philosophic nor governmental; by an exaggeration of style not common with him, he has called it a work of destruction, an attempt at demolition, a gun drawn on the social edifice . . .

"Everything . . . in the discourse he pronounced in the Chamber of Peers astonishes me. What astonishes me most is that in his sober, calm language he showed bitterness almost personal against one of the youngest of the Peers, who is ardent in his opinions . . ."

Janvier's ensuing plea for a serious consideration of further electoral reform was received "with many marks of esteem" from the Centers, although the attitude of the indulgent part of the majority was probably expressed in the reply of Pelet, a prominent member of the Third Party. He said soothingly that the Chamber did not pretend to have fixed the electoral right for all time, but that he saw "many perils" in Janvier's proposals.⁸³

Guizot remained silent. The irresistible current of democracy was beginning to sweep the young men downstream and away from him.

The Chamber adjourned until December and the Government was left to grapple with the problem of what to do with the Legitimist and Republican prisoners taken in the April uprisings. The "Independents" influenced Gérard to demand an amnesty for them, fearing that a trial would provoke further violence.⁸⁴ Guizot and Thiers gave some consideration to this view, but decided against it on the ground that an amnesty would appear rather a timid concession than an act of generosity.⁸⁵ Gérard resigned when his advice was definitely rejected, late in October, and efforts to fill the vacant office in a ministry of which Thiers and Guizot were the real heads were unavailing. Guizot's presidency would not have been inappropriate, in view of his superior-

⁸³*Ibid.*, XCI, 63.

⁸⁴Guizot, *Mémoires*, III, 252 ff.

⁸⁵*Ibid.* Louis Blanc declares that Thiers, not Guizot, was Gérard's chief opponent on the amnesty question. *Op. cit.*, II, 291.

ity to Thiers in years and in ministerial experience. "I myself offered it to Guizot," said Thiers afterward at the tribune.⁸⁶ But aside from the delicacy of taking first place over Thiers, Guizot could not abandon his promise to himself to keep the way clear for the reentrance of the friend who had so generously sacrificed himself seven months before. For this reason he could not accept a proposal to make Molé president. It would have been a happy solution for Guizot to bring Broglie in again at this juncture, as president of the Council, and Thiers made no objection. A plan to do this, keeping Gérard as simple minister of war, and asking the Chamber to declare an amnesty by law, seems to have been presented to the King by the two leaders, but to have met strong opposition from Louis-Philippe, who had conceived a strong repugnance to Broglie's conduct of foreign affairs,⁸⁷ and is said to have declared he would rather be "pounded in a mortar" than consent to recall his former minister.⁸⁸

Guizot and Thiers finally agreed to resign and let the King form a government as best he could, from the Third-Party group.⁸⁹ They were far from downcast at the prospect, and left office expecting that their successors would probably soon discredit themselves,⁹⁰ but hardly foreseeing how short their holiday would be. The "three days' ministry," which was constituted with great difficulty, was made up of Independents and of certain of the King's friends; Dupin refused to embark upon the fragile craft, and left it to his brother to lend the name to the perilous venture. Almost before it had begun to govern, the new cabinet succumbed (13 November) to a "huge shout of laughter" from the public and to immediate dissensions among its members as to policy. The little farce—the "day of the Dupins" the gossips

⁸⁶5 December, 1834, *Archives parl.*, XCI, 146.

⁸⁷For these proposals and their failure, see Blanc, *op. cit.*, II, 293-95; Apponyi, *op. cit.*, II, 513.

⁸⁸*Documents inédits*, cited by Thurcau-Dangin, *op. cit.*, II, 274.

⁸⁹Fourrière says that Thiers organized a strike of "ministerials" so that the King could not find anyone of influence willing to accept a portfolio. *Op. cit.*, pp. 272, 273.

⁹⁰Guizot, *Mémoires*, III, 268, 269. Blanc, with his customary omniscience, describes a gay dinner at Rigny's where Thiers and Guizot appeared radiant with pleasure at their maneuver. *Op. cit.*, II, 297.

called it⁹¹—ended with the recall of Thiers and Guizot, with another "illustrious sword," but very insignificant political figure, Marshal Mortier, as president of the Council. Thus was exposed the weakness of the parliamentary group who had threatened the Conservative majority but could not command one of their own. The bitterness of ludicrous failure did not render them the better-disposed to the reconstituted cabinet.

When the Chamber reconvened on the first of December, the ministers were determined not to tolerate longer what they called in private the "excessive insolence" of the Third Party.⁹² With Rigny and Guizot acting as spokesmen, they invited interpellation if their record did not have the entire confidence of the majority. The Chamber received the unexpected challenge in "deep silence," and the Third-Party men showed themselves averse to meeting it.⁹³ But on the next day, Janvier accepted it, with praise for its straightforwardness, asked for an explanation of the recent departure from and reentrance into office, and demanded explanations from the "three-days" ministers also.⁹⁴

A great debate ensued on the fifth and sixth of December. Thiers, with his air of disarming candor, related the history of the resignation and reconstitution of the cabinet of 11 October.⁹⁵ Then, after reminding his hearers that he was a man of the July Revolution, who had never supported the Bourbon governments, he declared that after a revolution "*il faut résister* . . . We are ministers of resistance." The policy must continue; the present electoral basis must be maintained for a long time to come; those who demanded change would give the fortunes of the country into the hands of the turbulent and passionate. As for charges of harshness, he asked his audience to recollect that not a single scaffold had been erected in the wake of the Revolution of July, that after all the insurrections there were only 211 political prisoners of which 150 were Carlists, and that the government had not spilled a drop of blood for a political cause. He also re-

⁹¹Doudan to Mme. de Staël, 28 Nov., 1834, *Mélanges et lettres*, I, 167. Cf. Sainte-Beuve to Ampère, 18 Dec., 1834, *Correspondance*, I, 28.

⁹²Doudan, *Mélanges et lettres*, I, 166.

⁹³*Archives parl.*, XCI, 122 ff.

⁹⁴*Ibid.*, p. 140.

⁹⁵5 Dec., *ibid.*, pp. 144 ff.

viewed the fiscal and economic policy of the Orleanist ministries, and with the admirable lucidity which was always remarkable in his handling of figures, he cited statistics to demonstrate that general prosperity was greater in 1833 than in 1829 (which had been a notably prosperous year), and compared the budget for 1835 with that for 1829 to show that with much greater expenditure for public services, the government was asking no more of the taxpayers. The budget was 1018 millions in each case.

Then the Third-Party explanations began. Charles Dupin, Teste, and Passy revealed the lack of unity and concerted purpose and the ludicrous dissensions that had arisen at once in the unfortunate cabinet.⁹⁶ Étienne defended the August Address and censured the Government for asking, through Guizot, for a majority in advance: "Systematic majorities" he declared to be "the most immoral and dangerous things in the world."⁹⁷ Guizot replied to Étienne, with dignity, that the cabinet had pursued a consistent policy for two years and could consequently not be charged with asking the Chamber for endorsement of an unknown or untested course.⁹⁸

Dupin offered a lame explanation of his refusal to enter the ministry with his friends and praised their quick relinquishment of office, intimating that the conduct of their predecessors and successors was not so praiseworthy.⁹⁹ He protested against being called the chief of a third party: he was not a party man but an Independent. Guizot rose for the second time to defend the course of his colleagues and himself in resigning and resuming office, and spoke in his usual manner of their earnest desire to establish a secure basis for "liberty and progress."¹⁰⁰ After further defense of the Independents by Sauzet, and of the cabinet of 11 October by Persil, Jaubert, and Saint-Marc-Girardin, with last-minute appeals by Guizot and Thiers, the Chamber proceeded

⁹⁶*Archives parl.*, XCI, 154 ff., 164

⁹⁷*Ibid.*, p. 158.

⁹⁸*Ibid.*, pp. 159 ff.

⁹⁹*Ibid.*, pp. 162 ff. A friend of the cabinet of 11 October, in an intimate letter, wrote that Dupin played a "shameful rôle" and was badly received by the Chamber. G. Delessert to Mahul, 7 Dec., 1834, Jeanjean, *Guizot et Mahul*, p. 109.

¹⁰⁰*Archives parl.*, XCI, 168 ff.

in a profound and anxious silence to the *scrutin secret* on the question of confidence. The Government was supported by a vote of 184 to 117.¹⁰¹

Thiers had been most effective in the defense of the ministry as he had been the most active man in the fortnight following Gérard's resignation.¹⁰² Hillebrand's statement that the outcome of the crisis was to make Thiers the "practical head of the ministry" is certainly somewhat exaggerated;¹⁰³ that it was he who insisted on an uncompromising announcement of continued resistance may or may not be true.¹⁰⁴ The Republicans and Socialists by this time certainly considered him their most implacable adversary in the cabinet of 11 October.¹⁰⁵

The ministers provoked another onslaught late in December when they asked for funds to build a hall wherein to try the "prisoners of April" before the Court of the Peers. The Opposition, joined by Lamartine on this occasion, demanded an amnesty instead of a trial, and charged the Government again with the persecution of political opinion.¹⁰⁶ Guizot now assumed a large share of the burden of defense; he pointed out that there was no one in prison for political opinion—no Republican or Legitimist as such; he intimated that an amnesty might come later with more propriety.¹⁰⁷

¹⁰¹*Ibid.*, p. 196

¹⁰²Apponyi, *op. cit.*, II, 515; Delessert to Mahul cited above in n. 99

¹⁰³Decazes had reported to Barante in August that Guizot was stronger with the Chamber than Thiers until the discussion of the Address when he made "his unfortunate remark" that the Revolution of 1830 was a misfortune. Letter 13 Aug., 1834, *Souvenirs de Barante*, V, 155.

¹⁰⁴*Op. cit.*, I, 458-459. Hillebrand is clearly in error in saying that Thiers insisted upon a clear resistance policy in the Crown speech and in the reply. There was no Crown speech in December, and consequently no new Address; Rigny announced on 1 December that the ministry had decided not to have another royal session. *Archives parl.*, XCI, 122.

¹⁰⁵Fournière, *op. cit.*, pp. 270-271. Blanc, II, 73. Carrel in the *National*, 31 March, 1836, cited by Thureau-Dangin, *op. cit.*, II, 20 n.

¹⁰⁶29 Dec., 1834, 2 Jan., 1835. *Archives parl.*, XCI, 410 ff., 459 ff.

¹⁰⁷30 Dec., *ibid.*, pp. 463-67. He spoke again the same day, with great effect. *Ibid.*, pp. 475-77; Comte Dejean to Mahul 31 Dec. Jeanjean, *Guizot et Mahul*, p. 110.

III

With another prolonged ministerial crisis in late February and early March, 1835, came the climax of a winter campaign of the Independents—aided and abetted by the Left—to separate Thiers and Guizot. The two men had maintained frank and cordial personal relations throughout 1833 and 1834. The firmness of their political agreement was evident in the cabinet crises of 1834.¹⁰⁸ In that of November Thiers had resisted the attempts of the King and the Third-Party to detach him from the alliance.¹⁰⁹ The Dupin following, smarting under ridicule after their fiasco, continued their disintegrating policy. Their activities in the winter of 1834-35 Louis Blanc describes as follows: "Now this league, of which M. Dupin the elder was the soul, exerted itself in every direction; plotted in the half-daylight of the corridors; obstructed the course of business; harassed the cabinet by continual skirmishes, and kept the Opposition in heart by the floating support it afforded it."¹¹⁰ This attitude was illustrated in the amnesty debate when members of the Left made a violent attack on Guizot, accusing him of "corruption and violence," and assailing his record during the Restoration in a manner that brought his friends to their feet in open criticism of Dupin (as presiding officer) for allowing an unparliamentary procedure.¹¹¹ The journals of the Left had also begun a systematic attempt to render Guizot suspect by recalling his services to the Bourbons, especially his mission to Ghent in 1815. The ministry felt it necessary to deny formally that he had ever been associated with the *Moniteur de Gand*.¹¹² He had refused to disavow his part in the Restoration, but Thiers had taken occasion to "mount his old war-horse, the glorious Revolution of July," and to declare his

¹⁰⁸Decazes to Barante, 11 March and 13 Aug., 1834, *Souvenirs de Barante*, V, 106, 155.

¹⁰⁹Blanc, *op. cit.*, II, 295, 298. Thiers is reported to have said at this time to a circle of deputies: "M. Guizot often does not go far enough; I push him. I tend sometimes to go too far, he restrains me. We have need the one of the other . . . Can we separate?" Thurcau-Dangin, *op. cit.*, II, 279.

¹¹⁰*Op. cit.*, II, 508.

¹¹¹2 Jan. *Archives parl.*, XCI, 532 ff.

¹¹²The *Moniteur*, 6 Jan., 1835.

implacable hostility to the Bourbons.¹¹³ As Guizot expressed it long afterwards, Thiers, loyal as he was to the cabinet of 11 October, felt "a bit disquieted by the alliance with the Doctrinaires, and although convinced of the necessity of their cooperation, took some pains to remain and appear, not separate from them, but different and distinct."¹¹⁴

The ministerial crisis which gave the Third Party food for hope that they might break up the alliance which made the ministry invincible, and might win the "man of the Revolution of July" for themselves, was precipitated by the resignation (20 February), on the plea of ill-health, of Marshal Mortier, who was inadequate to head a cabinet, and knew it. Guizot believed that the time had come to insist on Broglie's recall.¹¹⁵ All the ministers offered their resignations (withholding announcement of the fact), and the King, desiring to avoid recalling the inflexible duke, appealed to various notables in turn.¹¹⁶ Three weeks elapsed in futile negotiations. It soon became evident that a continuation of the old combination was the only practicable solution. But Thiers, although he refused to head a Third-Party ministry, was exceedingly reluctant to bring Broglie in again, on the ground of the latter's unpopularity.¹¹⁷ Parliament grew impatient. In the Chamber on 11 March, Mauguin and Barrot accused the ministers of having no grave public issues at stake but merely personal rivalries, and demanded that they submit to interpellation on the causes of the prolonged crisis. Guizot, seconded by Thiers, met the attacks as best he could in an embarrassing situation, but refused to answer questions until free to do so.¹¹⁸ After that day's session, Thiers was waited upon by an unofficial deputation from the Conservative majority who declared that their firm support would be given to a reconstitution of the cabinet under the presi-

¹¹³31 Dec., 1834, *Archives parl.*, XCI, 502 ff.; Apponyi, *op. cit.*, II, 520.

¹¹⁴Guizot, *Mémoires*, III, 7.

¹¹⁵Guizot, *Mémoires*, III, 282. Thureau-Dangin, *op. cit.*, II, 293.

¹¹⁶*Ibid.*, pp. 287 ff.

¹¹⁷But the real reason, according to Thureau-Dangin, was that his restless ambition was eager to essay the rôle of foreign minister, *op. cit.*, II, 289-90.

¹¹⁸*Archives parl.*, XCIII, 100-107.

gency of the Duke de Broglie.¹²⁰ On the next day the list was announced, with the Duke of Broglie as president of the council as well as minister of Foreign Affairs. Thiers had bowed to the wishes of the majority, and Louis-Philippe had accepted the Doctrinaire "yoke," as he smilingly termed it in conversation with Guizot, with his usual grace.¹²⁰ But he told the Austrian ambassador that Broglie was a "necessity he had to swallow to avoid falling into radicalism."¹²¹

The Third Party was discouraged, and the Opposition was furious; their interpellations and accusations occupied several sessions of the Chamber.¹²² Guizot was heartily applauded when, alluding to the efforts to break up the alliance which gave the Government its strength, he declared that all the ministers had worked for the same cause, sacrificing personal rivalries "from which human nature is never entirely free," had resigned when the homogeneous majority they thought necessary seemed endangered, and had returned when the prospect seemed good for its reunion.¹²³ Thiers made a sort of apology for having refused to go into any new combination, saying that he differed on the question of the amnesty ("Today it would be the proclamation of political impunity.") More personal and more informal than Guizot, as was his wont, his explanation of his reentrance after receiving the assurances of the deputation was likewise received with approbation.¹²⁴

Notwithstanding these declarations, the spokesman of the Third Party, the able and eloquent young Sauzet, declared that the two ministers were not in accord: "The former squints at counter-revolution."¹²⁵ And Barrot, full of sarcasm, proclaimed that in spite of the "heart-searchings of M. the minister of Public Instruction, and the "sacrifice to his country of M. the minister of the Interior," it was all a "pure question of preponderance." The entrance of Broglie in November of the preceding

¹²⁰Blanc, *op cit*, II, 312; Guizot, *Mémoires*, III, 289.

¹²¹Guizot, *Mémoires*, III, 288-89.

¹²²Dispatch cited by Hillebrand, *op cit*, I, 461.

¹²³14-16 March, *Archives parl.*, XCIII.

¹²⁴*Ibid.*, pp. 182-184.

¹²⁵*Ibid.*, pp. 193-194.

¹²⁶*Ibid.*, p. 200.

year, he went on, would have given one section of the majority undue weight; hence the necessity for an "illustrious sword"; the resignation of the latter had precipitated the long crisis just terminated, which had not ended until certain friends of one of the two rivals¹²⁶ "did him patriotic violence" as it were, and prevailed over his ambitions. Now, he averred, there were two wills in the cabinet, one desiring to stem the course of the revolutionary torrent, the other, to give it a channel wide and deep.¹²⁷

But so long as the ministers said in word and deed "We are united," the disappointed minority gained little by declaring "You are divided"; and when Mauguin taunted the Deputies with being "a Doctrinaire Chamber,"¹²⁸ he was signalizing the failure of the Third-Party campaign. Thiers, Guizot, and Broglie in turn challenged the Chamber to vote the amnesty, in the words of the new President of the council, as a symbol of "a change of policy from legal repression to impunity." "Do you want the amnesty?" cried Guizot, "do you believe it wise, salutary for the country? Then refuse your support to the ministry, insist on a new one, and take the responsibility for an amnesty upon yourselves."¹²⁹ But responsibility was precisely what the Chamber did not want.¹³⁰

IV

The reconstituted ministry was strong enough to carry through at once to a great victory the matter of the "treaty of the twenty-five millions" with the United States, the defeat of which a year before had been the occasion of Broglie's retirement. The financial provisions necessary to the execution of the treaty were re-submitted to the Chambers, and one of the great parliamentary bouts of the decade took place in April. For a debate which so stirred the public one would have to go back to the battle on the

¹²⁶He did not use the word but it is plainly implied.

¹²⁷*Archives parl.*, XCIII, 210 ff. In his *Mémoires* Barrot records the part he played in separating Thiers and Guizot, I, 293

¹²⁸*Ibid.*, pp. 188 ff.

¹²⁹*Archives parl.*, XCIII, 205.

¹³⁰Sauzet in his attack on the ministry declared that the Chamber would never take the initiative in a matter which belonged to the Government alone. *Ibid.*, p. 202.

electoral law of 1820.¹³¹ Opinion had been inflamed against the settlement by the press, and President Jackson's message to Congress (December, 1834) had made things harder for the French proponents of the treaty.¹³² All the great orators took part in the discussion,¹³³ Berryer in opposition again, Thiers aiding Broglie in sustaining the burden of defense in the Chamber, and Guizot ready with a refutation out of their own mouths of the charge of the Left that America had not defended her flag against British search and impressment.¹³⁴ Before the Peers in June he made the chief speech for ratification, attacking the Opposition conception of national dignity and national interest, arguing that the Government had been disinterested, honorable, and constitutional in its procedure, that the American government had always been consistent on the question of law involved, and that France should attach great value to cordial relations with the United States, as well as with England.¹³⁵

The maintenance of the ministerial resolution to try the April prisoners was no longer seriously questioned by the Chamber.¹³⁶ The trial opened at once¹³⁷ and dragged on for nine months, a wearisome business for those one hundred eighteen peers who saw it through to the end. The Republican prisoners and their partisans were discredited by their undisciplined and violent behavior in the course of the trial,¹³⁸ and the party was crippled by the sentences of deportation or imprisonment imposed on their

¹³¹Thureau-Dangin, *op. cit.*, II, 298.

¹³²There had been grave fear in Doctrinaire circles that the jingoes might actually bring on war. Doudan to Mme. de Stael, 3 Feb., 1835, *Mélanges et lettres*, I, 170.

¹³³9-18 April in the Chamber, *Archives parl.*, XCIV.

¹³⁴*Ibid.*, p. 638. He read from a history of the Empire by Bignon, a member of the Left.

¹³⁵11 June, *Archives parl.*, XCVII, 424 ff.

¹³⁶The vote on the "secret funds" marked a last attempt by the Third Party to discredit the ministry.—*Archives parl.*, XCV, sessions 27-29 April. The ministry was supported by a large majority and the Opposition journals referred to the Chamber as "won by the Doctrinaires" and to the Third Party as "defunct." Thureau-Dangin, *op. cit.*, II, 299.

¹³⁷A large number of those originally arrested had already been discharged upon individual examination. See *Archives parl.*, XCIII, 202.

¹³⁸Their insolence was extreme. See Thureau-Dangin's account, *op. cit.*, II, 302-312.

leaders. There were no death sentences. The policy of repression had been followed unswervingly though not ferociously. The amnesty might have been wiser, and would have saved the Government much anxiety and expense, but there is little question that the Republicans would have construed it as weakness rather than strength on the part of the ministry.

A terrible occurrence late in July gave the Government *carte blanche* in the matter of repressive measures. The infernal machine of the wretched Fieschi, who had hoped to kill the King as he reviewed the National Guard, left Louis-Philippe and his sons untouched, but killed and wounded forty-one persons in his escort and in the crowd. The public was deeply stirred with terror and pity and blamed the Republican press and clubs for creating an attitude toward the monarch which bore such fruit in a fanatic and criminal brain. The ministers found the path clear before them for measures which the embarrassments of the "April trial" had caused them already to consider.¹³⁹ There is force in Guizot's contention that the Orleanist monarchy was singularly disarmed, having at its disposition neither revolutionary tyranny nor imperial despotism, and not wishing to pass "laws of exception," as the three preceding régimes had done in turn.¹⁴⁰ One has only to read the accounts of the conduct of the Republican defendants in the press prosecutions or in the trial of the insurgents to realize how the enemies of the monarchy presumed upon these scruples. But in the Associations Law the Doctrinaires had compromised with their political creed without acknowledging it publicly; now in the "September Laws" of 1835 they enacted into permanent law measures which could only be justified by the peculiar circumstances of the situation, and which they themselves would have hesitated to accord to any administration save their own.¹⁴¹

¹³⁹Barante, *Vie politique de Royer-Collard*, II, 497.

¹⁴⁰*Mémoires*, III, 189-90. Cf. Barante's statement that the ministers felt that the existing laws gave the public powers no right to defend themselves, *loc. cit.*, n. 139.

¹⁴¹In 1838 a member of Broglie's household wrote with disdain of the use the Molé ministry was making of the September Laws, which "proud goddesses" were not meant for such purposes. Doudan to Raulin, 13 July, 1838, *Mélanges et lettres*, III, 41.

The Duke of Broglie announced to the Deputies on 4 August that the frightful crime of Fieschi and his accomplices had cast a sad light on the social situation. "Anxious for her King, for her institutions, France lifts her voice and demands protection from the government . . . it is for her that we come to propose measures which alone seem to us suitable to reassure her and to put out of danger the person of the King and the constitution of the State . . ."¹⁴²

The Government proposals were speedily reported out of committee with only slight changes, and these in the direction of greater severity, showing that the indignation of the Chamber outran the judgment of the Council; the discussion occupied two weeks (14-29 August); the Peers discussed and voted in early September.

The "September Laws" had as their purpose the intimidation of the Carlists and Republican press, and the protection from attack of the person of the King and the principle of constitutional monarchy. They provided severe penalties for press attacks on either; reestablished the censorship of the theater and of caricatures; increased the "caution-money" required of journals; provided that seven votes out of twelve in a jury should convict;¹⁴³ and erected certain offenses such as the incitement of hatred or scorn against the King, or the provocation to revolt, into *attentats* which could be taken to the Peers instead of to the jury.¹⁴⁴ These were all voted by large majorities, but not without stiff opposition, in which the orators of the Left were joined by Lamartine, Dupin, and, unexpectedly, by Royer-Collard, who to the astonishment and affliction of his old friends,¹⁴⁵ emerged from the

¹⁴²*Archives parl.*, XCVIII, 253. For the bills, *ibid.*, 256 ff. For the deep anxiety of the ministers, see Mme de Broglie's letters to Mme. Anisson, 1 Aug., 1835, *Lettres*, p. 220.

¹⁴³Eight out of twelve had been the requirement. The vote was now made secret.

¹⁴⁴These are only the most important provisions.

¹⁴⁵Barante, *Vie politique de Royer-Collard*, II, 505. In 1834 Royer-Collard had quarreled with Guizot because the latter had failed to obtain from his colleagues in the Government favorable action on a request from his old friend—Letters Royer-Collard to Guizot, 31 July and 18 Aug., 1834, Val Richer, *Correspondance*

silence he had maintained since 1831, to denounce the evasion of the guarantee of jury trial for press offenses. Broglie, Guizot, and Thiers were equally conspicuous in the debate, Broglie showing deep feeling and disillusionment,¹⁴⁰ Guizot passionately repelling the accusations of insincerity and inconsistency,¹⁴⁷ Thiers, with his lighter touch, ridiculing the objections and defending the proposals with boldness and confidence.¹⁴⁸ Able lieutenants seconded the chiefs: Duvergier de Hauranne, Salvandy, Hébert, Martin, and Sauzet, of the Third Party, who had attacked the ministry in March. Barante conducted the defense in the Peers.

So far as their immediate purpose was concerned, the September Laws were successful. The anti-dynastic papers disappeared or moderated their tone.¹⁴⁹ On the other hand, the Government used its new weapons with restraint, and the charges made in the parliamentary discussion that the press would be reduced to subserviency proved mistaken, for vehement attacks on ministers and other officials continued to appear.¹⁵⁰ Historians have been perhaps unduly influenced by the valid arguments against the laws, and particularly by the distorted idea of the character of Guizot's statesmanship which has passed current for so long, and have been perhaps too unmindful of the difficulties faced by the Orleanist ministries. Guizot, Broglie, Thiers, and their followers had become convinced in the first months after the July Revolution that a policy of *laissez-aller* would be suicidal for the constitutional monarchy and fatal to the peace of Europe. The boldness of the Republicans, their gains in 1834, their continued audacity in prison and out in 1835, the indifference of the public, and the indulgence of a large fraction of the Chamber toward them had created a harassing and exasperating problem. It is hard to quarrel with the monarchists in their belief that the

¹⁴⁰ *Archives parl.*, XCVIII, 548 ff.

¹⁴¹ *Ibid.*, pp. 702 ff.

¹⁴² *Ibid.*, p. 708

¹⁴³ Thureau-Dangin, *op. cit.*, II, 328. Carrel deplored Republican violence in the *National*, 8 Jan., 1836

¹⁴⁴ Unchallenged statement of a supporter of the ministry in the Chamber, 11 Jan., 1836, *Archives parl.*, XCIX, 457.

Republicans were unfit to govern France at that period.¹⁵¹ As for leaving them free to discuss political theories and convert men to their way of thinking—that was not what they had demanded. Rather, they had claimed a “permanent right of insurrection,”¹⁵² not only in manifestoes and demagogic harangues, but in deeds. The government which would refrain from such measures as the September Laws after five years of nerve-racking struggle against revolutionary uprisings, with public opinion horrified by a crime like that of Fieschi into readiness to accept—nay, demand—drastic measures against the fraction of society seemingly chargeable with the guilt, would be, perhaps, Utopian even in 1928.

But Guizot and Broglie, if not Thiers, were political idealists, and they did violence to their ideals when they advocated laws which gave a government such power to curb the freedom of the press, even—as Broglie explained in the Chamber 4 August¹⁵³—for the protection of other institutions equally precious. The sacrifice was tragic even if necessary—and perhaps it was not necessary, if Hillebrand is right when he argues that the victory over the Republicans had already been won by the revulsion of public opinion, that the Fieschi *attentat* had made the King popular again, and that the government could have afforded to ignore the indecencies and excesses of the press.¹⁵⁴ Had the ministry counseled moderation when public opinion was ready for drastic measures, they might have garnered credit for their restraint without abandoning firmness and without endangering the results of their policy of resistance. The irony of their mistake, if mistake it was, is that its influence on the Republican movement was a salutary one; its leaders recognized the failure of their policy of violence and relinquished the use of illegal weapons.¹⁵⁵

¹⁵¹ See Louis Blanc, *op. cit.*, II, 56, 425-426; Thureau-Dangin, *op. cit.*, II, 243. See also Cartel's remark to Berryer. "The men that I appear to direct are not ready for the Republic; no political-mindedness (*esprit de politique*), no discipline"—cited Thureau-Dangin, *op. cit.*, II, 330.

¹⁵² See above, n. 44.

¹⁵³ *Archives parl.*, XCVIII, 255.

¹⁵⁴ *Op. cit.*, I, 493-494.

¹⁵⁵ Blanc, *op. cit.*, II, 534. Cf. Barrot, *Mémoires*, I, 283-285.

With the Republicans defeated and silenced, the parliamentary Opposition discredited by its recent indulgence toward them, with harmony in a Government of many talents, with commerce and industry flourishing,¹⁸⁶ and with no serious clouds in the sky of international relations, the situation in the winter of 1835 and 1836 seemed to indicate that the Orleanist monarchy had achieved stability, and to promise long life to the ministry.

The parliamentary session opened calmly. The King's discourse was tranquil and conciliatory.¹⁸⁷ The Address of the Chamber, reported by Sauzet for a committee in which Third-Party influence was not entirely absent, fell only a little short of hearty commendation of the policy of resistance, and was slightly amended in the course of the discussion in the direction of more emphatic support of the cabinet.¹⁸⁸ The vote—256 to 67—on an Address much more satisfactory to the ministers than those of the two previous sessions suggests a fairly firm majority. That the suggestion is deceptive becomes evident very soon indeed.

On the fourteenth of January, Humann, the minister of Finance, in his report on the budget of 1837, amazed his colleagues on the ministerial benches by an announcement of his "reflections" on the subject of reduction of the debt. He expounded his opinion that the government could with entire legality reduce the rate of interest on its five per cents by first offering reimbursement at par to the holders.¹⁸⁹ At the next session (18 January) d'Argout occupied the place of the minister of Finance, and Humann rose from a seat in the Center to explain that he had thought his colleagues agreed with him that the debt should be

¹⁸⁶The Government could point with pride to its contribution to prosperity in the legislation for the improvement of roads, and its reforms in the direction of freer trade with England—both accomplishments of 1835.

¹⁸⁷29 Dec., 1835. *Archives parl.*, XCIX, 380.

¹⁸⁸For the Address as reported, *ibid.*, pp. 428 ff. The discussion occupied the sessions of 11-13 January. For the amendment, *ibid.*, pp. 519-533. Another rather futile amendment of the sort to which the ministry had grown resigned, registered a protest against the Czar's destruction of Polish nationality. *Ibid.*, pp. 454 ff., 488 ff.

¹⁸⁹*Ibid.*, p. 551.

reduced, and that he had deemed the time appropriate to prepare the way for introducing a measure to convert the five per cents.¹⁸⁰ The Chamber applauded him loudly. Broglie thereupon spoke for the ministry.¹⁸¹ Although, he explained, there had been no deliberation in the Council on the point, and while the Government would give consideration to the problem, there was no present intention to introduce such a measure, the moment being considered inopportune; if one were proposed by the Chamber, the Government would oppose it. Pressed for the "motives" of the ministry, and for a "categorical answer," Broglie, evidently irritated by what he considered the impertinence of the first demand and the stupidity of the second—for his statement had in truth been unequivocal—answered that he would not go into "motives" unless the measure were brought up in a regular way. As for the "categorical answer": "We are asked if the Government intends to propose the measure; I answer '*Non!*' *Est-ce clair?*'"¹⁸²

In the next few days, various propositions for conversion were made by individual members, and the ministry, resolving to have done with the matter one way or the other, brought one of the bills to a vote. The Government—Thiers, Duchâtel, and Guizot acting as its spokesmen—asked for a vote to adjourn the question.¹⁸³ But the urn was found to contain 194 black balls to 192 white ones. The ministers went to the King with their resignations at once. The next day a friend of the Government tried in vain to persuade the Deputies to vote an adjournment qualified by recognition of the right of the State to offer its creditors their capital or a reduced interest.¹⁸⁴ The Chamber seemed to welcome an opportunity to overthrow, on a trivial issue,¹⁸⁵ the ministers whose general policies they had so recently approved.

¹⁸⁰*Archives parl.*, XCIX, 606.

¹⁸¹*Ibid.*, pp 606-607.

¹⁸²*Ibid.*, p 608.

¹⁸³5 Feb., *ibid.*, C, 228 ff.

¹⁸⁴*Ibid.*, p. 249

¹⁸⁵The *Constitutionnel*, after much ado on the subject of conversion, with praise for Humann and denunciation of the Doctrinaires, declared (6 Feb.) that it was amazing that it should have been made a cabinet question.

CHAPTER IV

GUIZOT AS MINISTER OF PUBLIC INSTRUCTION

The law of 1833 establishing a system of primary education in France was only the most fundamental and far-reaching of Guizot's many services to the cause of education—services not limited to any particular years but scattered through the whole of his long and indefatigably busy life.

Education in France had not escaped the revolutionary tempest which swept away the institutions of the old régime, but the fruit of new ideas was slow in ripening. The generous plans and ambitions of the Convention¹ had come to nothing: "having the world to astonish, subdue, and convert, it had no time to realize them,"² and the children of the poor of the first Republic grew up illiterate. Save the establishment of the celebrated institutions for special courses,³ little was done until Bonaparte's practical genius devised that highly centralized and monopolistic corporation, the University, which displayed the vices as well as the virtues of the imperial system. No one could teach without submitting to its regulations. Primary education was ignored; the secondary schools—the *lycées*—were to provide all the general instruction deemed necessary for life; the scheme included no universities in our sense. The great technical schools partly supplied this latter deficiency.

The Restoration, then, inherited a system clearly not in harmony with liberal aspirations. The first proposal of reform was that of Royer-Collard and Guizot in 1814; their plan was to substitute for the University seventeen regional "universities" in the hope of stimulating a healthy intellectual life around local centers.⁴ The Hundred Days intervened, and the second Restoration

¹The convention decreed elementary instruction for all with a salary of at least 1200 francs for the teacher and a retiring salary allowance from the public treasury. Not a single school resulted.—Guizot, in the Chamber, 2 Jan., 1833, *Archives parl.*, LXXVIII, 464.

²Louis Blanc, *Ten Years*, II, 170.

³*Ecole Polytechnique, Bureau des Longitudes*, etc.

⁴Guizot, *Mémoires*, I, 51; for the royal ordinances embodying the reform, *ibid.*, pp. 416-30.

had more pressing problems than the reform of education. The University was provisionally maintained for several years; such eminent men as Royer-Collard and Cuvier worked hard at modifications that were designed to make it as effective an adjunct to constitutional monarchy as it had been to imperial despotism. Louis XVIII in time realized its political possibilities; in 1821 the old constitution was confirmed and in 1822 a Grand Master again put at the head to replace the Royal Council of the preceding six years. In 1824 the Grand Master entered the cabinet as minister of "Ecclesiastical Affairs and Public Instruction." Reaction affected the University and caused the suppression of various faculties and of individual courses of liberal tendencies. The subordination of education to ecclesiastical considerations, indicated by the title of the minister, was one of the grievances of the Opposition in the last years of the decade; and after July, 1830, although the two departments were still united under one minister, Broglie's title of "Minister of Public Instruction and of Public Worship" indicates a reversal of the former policy, and represents the general disposition of the liberals to reduce the influence of the church to insignificance.

This hostility to the church was not, however, shared by Broglie and Guizot, who believed that the new monarchy would do well to seek the friendship and alliance of the clergy. When Guizot entered the cabinet of 11 October he promptly demanded that the supervision of public worship should be detached from the department of Public Instruction, anticipating the objections that would be made to a Protestant's administration of ecclesiastical affairs, although he ventured the opinion, many years later, that he might, perhaps, have understood the Church better and defended its interests more effectively than many of its members.⁸ The administration of ecclesiastical affairs was given to the department of justice—unwisely, he thought. He would have made it an independent department, thinking that "the best means of living in harmony with the Church is to accept freely its importance and give generously to it its place and its portion."⁹

⁸*Mémoires*, III, 32.

⁹*Ibid.*, p. 34. Cf. his remarks in the Chamber, 2 May, 1833, *Archives parl.*, LXXXIII, 286 ff.

For his ministry thus restricted, he demanded an extension of authority in its own sphere. The *Collège de France*, the *Muséum d'Histoire Naturelle*, the *École des Chartes*, together with the Institute and the various learned societies, were placed under the minister of Public Instruction, although not incorporated in the University.⁷

He took up the work of his department with a particular determination to accomplish something for elementary education, which had been neglected by the Revolutionary governments for lack of money and by Napoleon from indifference. A promising interest in the subject had appeared during the Restoration. Even before the collapse of the Empire, Cuvier had used the prestige of his scholarship to stimulate a study of the schools of Germany and Italy and especially of the primary schools of Holland. Under a government which looked more kindly upon popular education, Royer-Collard with Cuvier's cooperation worked to multiply and ameliorate the primary schools, and the Council of Public Instruction was hospitable to the introduction of new methods. The reaction after 1820 limited the encouragement of elementary education to the work of religious congregations; but a new liberal impulse came with the Martignac ministry, and even the Polignac government had a comparatively enlightened minister of Public Worship and Public Instruction in the person of Guernon-Ranville. But what was actually done is negligible, although Guizot's account scrupulously gives full credit to his predecessors.⁸ Pitiful sums were expended: 50,000 francs annually until 1828, when the ministry obtained 300,000 francs for primary education.⁹ Public opinion became interested in the problem, however, with the expansion of the liberal movement, and the July Monarchy was committed to popular education and to liberty of instruction. Popular education was no new interest with Guizot. From 1811 to 1813, in collaboration with Pauline de Meulan, in the *Annales de l'éducation* he had envisaged the problems of education in a veritably modern and liberal spirit. Since 1815, his interest in Protestant education had been sustained and

⁷Guizot, *Mémoires*, III, 33, 34.

⁸*Ibid.*, pp. 57 ff.

⁹Guizot, *Histoire Parlementaire*, II, 19.

fruitful. He had been prominent in the establishment of free schools for poor children in Paris; he had prepared in 1828 a report on the status of Protestant education which the Consistory transmitted to the Government; and he was named a member of the committee of surveillance for Protestant schools in April, 1830.¹⁰ In the *Société de la morale chrétienne*, he had been associated with humanitarian liberals who shared his interest in primary education. It was at a session of this society that he read in September, 1824, a report of a competition he had initiated through the *Tablettes universelles* on the subject of advanced primary or intermediate education, the need of which it was his particular distinction to have first signalized.¹¹ The prize for the best study of the subject was awarded to Charles Renouard, later one of his lieutenants in the preparation of the law of 1833.

Thus had the experience and the associations of two decades, duly pondered and harmonized with his interpretation of history, prepared him for the task he accepted in the cabinet of 11 October. Barthe and Montalivet, in the cabinets of Laffitte and Casimir Périer respectively, had presented bills for primary education; and such was the interest in the problem that other independent projects had been submitted by members of the Chamber.¹² Although the new government had shown comparative liberality in its appropriations,¹³ there were in 1833 at least seven thousand communes without schools.¹⁴ None of the proposals had been so much as discussed, and Guizot found a public prepared and even impatient for a thorough-going measure,¹⁵ although general sentiment was hazy enough as to details and not unlikely to be unenlightened in certain respects.

In the drafting of the measure known in the annals of education as the Guizot law, the minister had the cordial collaboration

¹⁰Pouthas, *Guizot pendant la Restauration*, pp. 336, 337.

¹¹*Ibid.*, pp. 356-357.

¹²Guizot, *Mémoires*, III, 59-60.

¹³A million francs a year for primary education. *Hist. parl.*, II, 19; *Archives parl.*, LXXVIII, 469.

¹⁴Lavisse et Rambaud, *Histoire générale*, X, 436.

¹⁵See remarks of Larabit in the Chamber, 4 March, 1833, *Archives parl.*, LXXX, 580.

—generously recognized in his *Mémoires*¹⁶—of his associates in the Royal Council of Public Instruction, notably Cousin and Villemain. The project was ready for presentation to the Deputies on the second of January, 1833, although Guizot was too weak from his recent illness to read it himself, and Renouard served in his place.¹⁷ It was reported out of committee on the fourth of March, with certain amendments,¹⁸ but the discussion in the Chamber did not begin until late in April. His wife's death had occurred in the interval and Guizot threw himself into the defense of the law with intensity. The Deputies adopted the measure with several amendments which gravely altered its essential character;¹⁹ but Cousin reported it to the Peers,²⁰ recommending alterations in the sense of its original intention. The upper house voted favorably, with little opposition.²¹ A second discussion in the Deputies took place in June, and an agreement was finally reached.²² The law was promulgated 28 June, 1833, substantially as it had been originally conceived.²³

It is generally regarded as marking an extremely significant stage in the history of education and democracy in France.²⁴ Primary education had hitherto been subject to the uncertainties of ecclesiastical or individual initiative. With the clergy under suspicion, on the one hand, and with the small inducements offered to private enterprise on the other, the children of France, except those of the well-to-do, had fared badly. In many a French village in 1830 the schoolmaster was a pauper, a cripple of the Napoleonic wars—incapacitated for any other calling—or per-

¹⁶III, 60, 61.

¹⁷For Guizot's introduction, *Archives parl.*, LXXVIII, 464-469; for text of the bill, *ibid.*, pp. 469-71.

¹⁸*Ibid.*, LXXX, 566-580.

¹⁹3 May, *ibid.*, LXXXIII, 330.

²⁰21 May, *ibid.*, LXXXIV, 47 ff., 63, 65.

²¹28 May, *ibid.*, pp. 230, 265-72.

²²*Ibid.*, pp. 42 ff., 120 ff., 171 ff., 199.

²³Guizot, *Histoire parlementaire*, II, 2; *Mémoires*, III, 71.

²⁴E.g., Guérard, *French Civilization in the Nineteenth Century*, p. 235; Larousse, *Encyclopédie universelle*, in an otherwise hostile article on Guizot; Lavis et Rambaud, *Histoire générale*, X, 436, 437. Compayré, *Cyclopedia of Education*, article "Education in France" minimizes the importance of the Guizot law.

haps even the proprietor of a wine-shop who supplemented his income therefrom by keeping a school hard by his place of business. In many places no school of any sort was to be found.²⁵ The law of 1833 assured a primary school to every commune in France, opened the doors of that school to the children of the poor, and made it the duty of the community and the state to supervise the character and the competence of the instruction given.

But it was in no sense a revolutionary piece of legislation. In presenting it to the Chamber, its author disclaimed any attempt at original creation. "Experience," he said, "has been our guide," the purpose "rather to regulate and ameliorate what exists than to destroy for the sake of invention and creation under the inspiration of hazardous theories."²⁶ In accordance with this guiding principle, no proposal was made for the primary education of girls, except a provision in general terms that communities might at will provide special schools for this purpose. In the debate, Guizot admitted that the provision had little significance, and consented to its suppression. He explained the lack of definite prescription for girls' schools on the ground that he had not yet sufficient acquaintance with existing conditions to recommend legislation on the subject, he promised to study the problem with due care.²⁷ Although the primary object of the law was to establish public primary schools, it was no part of Guizot's purpose to discourage the schools already in existence, if they could meet the modest standards prescribed. For the church schools which had always borne the burden of primary education, and especially for the new foundations of the preceding decade (Protestant and Catholic) he felt sincere respect. He was convinced, moreover, that society would benefit by a multiplication of schools and a competition of methods.²⁸ The law recognized, in consequence, the principle of "liberty of instruction" guaranteed by the Charter. Any individual of eighteen years or more might open a

²⁵Guérard, *op. cit.*, p. 232.

²⁶*Archives parl.*, LXXVIII, 469.

²⁷As a matter of fact, the education of girls was never undertaken with energy by the July Monarchy; three years later a Royal Ordinance provided for girls' schools, but funds were not forthcoming.

²⁸*Exposé des motifs*, read by Renouard, *Archives parl.*, LXXVIII, 466.

primary school on the sole condition of presenting a *brevet de capacité* (obtained by examination) and a certificate of good morals. Guizot would willingly have waived the *brevet* in the case of a candidate who presented a "letter of obedience" from the superior of one of the Church training schools, but was deterred by the certainty of bitter opposition.⁷⁹

But, said the minister, "the private schools are to education what voluntary enrollments are to the army; it is necessary to make use of them without counting on them too much." The vital part of the law was in the provisions for organizing and maintaining and regulating a system of public primary education. Every commune was held to provide at least one primary school. (In certain cases two or three communes might unite for the purpose.) The department and the central government, as well as the communal government, should contribute to the support of the schools; and parents who were able to pay were to be charged a small monthly fee for each child, the total of such fees to be paid to the teacher in addition to the fixed salary prescribed by the law. Children of parents too poor to pay were to be received free, without restriction as to the proportion such free pupils might bear to the total attendance. Another modern feature absent from the law is that of compulsion. Attendance was to be entirely voluntary. Probably neither gratuitous instruction nor compulsory attendance would have been practicable at the time, although voices were raised in advocacy of both principles in the Chamber, and even in the Royal Council of Public Instruction.⁸⁰ But Guizot rejected both ideas on the grounds not of practicability but of principle. To make it obligatory for parents to send their children to school, "coercive action by the State in the interior of the family," would, he thought, necessitate odious inquisitorial methods and would ill accord with the susceptibilities of a free people!⁸¹

⁷⁹*Mémoires*, III, 68.

⁸⁰*Ibid.*, pp. 62, 63.

⁸¹*Ibid.*, p. 61. The socialists of the day alone expressed the modern democratic attitude. Louis Blanc characterized the measure as a manifestation of the inability of the bourgeoisie to govern society. Education must, he argued, be gratuitous and compulsory to be "national." To be sure, if it were made compulsory, the poor workman would starve; for he

Nowhere is the measure more conservative in spirit than in the provisions which involve the influence of the Church. Unlike the Voltairean liberals who had come into power with the Revolution of July, Guizot thought a cordial cooperation with the Church would prove one of the surest means of cementing the foundations of the constitutional monarchy. The reactionary designs of the "priest-party" having been defeated, he wished to make generous recognition of the legitimate function of organized religion. This position is clearly reflected in the provisions of the law and in the debates in the Chamber. The following sentence in the first article, "Primary elementary instruction comprehends necessarily moral and religious instruction," was not contested by the foes of the Church, but the modest share of influence in the surveillance of the schools assigned to the clergy by the provision which included the curé (or the pastor in the Protestant communities) on the communal and district committees evoked the most serious opposition²² that appeared during the discussion; it was only with the support of the Peers that Guizot won his point, and then not without some concession. Although in answer to his critics he declared that it would be better to have the clergy inside the committees than outside and hostile to it, his purpose was not wholly or even largely mere conciliation. He was deeply in earnest concerning the need for moral and religious instruction. If the primary schools, supported by society as a means of training the youth for citizenship in a free society, were to fulfill their mission, they must give moral training; and for moral training he considered religious instruction essential. A few religious observances would not suffice; a "religious atmosphere" was the desideratum. The influence of the curé or pastor as a member of the local committee would give one of the most practicable of assurances that the need would not be neglected.

could not keep soul or body together except by the aid of the labor of his children. But this fact should simply have shown the ruling class that an entire reorganization of society was necessary, and that such measures failed utterly to reach the root of the matter. This was intelligible and consistent, if drastic. The rest of his criticism was hardly so. *Ten Years*, II, 170 ff.

²² May. *Archives parl.*, LXXXIII, 286 ff.

Two grades of primary education were provided by the law. The elementary grade was to comprise such instruction as would "make a man of him who receives it," and "not too much to prevent its being everywhere realizable," as Guizot explained to the Chamber. The prescribed subjects were moral and religious instruction, reading, writing, the elements of the French language, elementary arithmetic, and the legal system of weights and measures. The higher grade was designed to fill the gap between the teaching of the foregoing minimum and the curriculum of the secondary schools, and to provide for those who wanted more than the mere elements of knowledge but who could not afford the cost of the *lycées*—"to add to the knowledge indispensable to all the knowledge useful to many." Every commune of more than six thousand inhabitants was to maintain a school of this higher grade, offering instruction in singing, drawing, surveying and other applications of geometry, and the elements of history and geography, especially that of France. This curriculum might be developed according to the needs and resources of the locality.

For the training of teachers every department was to maintain a primary normal school. The Empire had founded the first normal school, the Restoration had added several more, and the Orleanist government had already created more than thirty. The law then simply extended a policy already established.

The question of surveillance and control of the schools was the one which evoked the greatest divergence of opinion. There was not only the thorny problem of the influence of the clergy: there was a strong disposition to reduce the authority of the central government, that is, of the minister of Public Instruction, in the administration of the primary schools. Guizot's proposal was as follows: Each communal school should be subject to the surveillance of a local committee composed of the mayor, the curé or pastor, and of three other members designated by the municipal council; this committee was to look after the healthfulness of the schools, the maintenance of discipline, to assure free instruction to the poor children, to endeavor to bring all children into the school whose education was not otherwise provided for, to suspend teachers provisionally pending investigation by higher authorities, and to report to those authorities as

to the needs of the communal school—in short, to act in those matters in which close acquaintance with local conditions was necessary. A higher committee—that of the *arrondissement*—consisting of a considerable number of administrative dignitaries together with a *curé* of the chief town and a pastor of each of the other recognized churches, was intrusted with inspection of all the schools of the district, the nomination of teachers presented by the communal committee, subject to confirmation by the minister of Public Instruction, and the power to summon a teacher for habitual negligence or other grave offense, to reprimand or dismiss him subject to appeal to the minister in council. A third sort of committee was provided for every department, to be appointed by the minister to conduct examinations for the *brevet de capacité*. The Opposition attempted to deprive the minister of the right of confirming the nominations of teachers and of his influence over the committees of inspection. The Chamber of Peers came to the rescue, as in the case of the place of the *curé* on the committees.

The law did not limit itself to the organization and maintenance of curricula and machinery of control. It endeavored to give the individual teacher a security and dignity that would attract men of worth to this humble and laborious calling. A fixed salary of not less than two hundred francs for the elementary grade, and not less than four hundred for the higher grade, was prescribed; a habitation suitable for the reception of pupils was also to be furnished. This small but assured income was to be supplemented by the monthly fees charged for all except the children of indigent families; these fees were to be paid to the town authorities and by them to the teacher, who was thus relieved of the humiliation of collecting in person. A system of pensions Guizot did not venture to propose, since the cost had proved so great in the schemes already in operation, but in lieu of pensions a compulsory savings plan was provided. One twentieth of the annual fixed salary was to be withheld and placed in a departmental savings bank established for this purpose, the sum with interest to be paid to the teacher when he left the service or to his heirs in case of his death.

Guizot's concern did not end with obtaining the statute in substantially the form of his original bill. He found it a delicate

matter to secure cordial cooperation between the regular administrative officials in the departments and arrondissements and the special officials of his department. He testifies to having found in Thiers, as minister of the Interior, a readiness to cooperate and a breadth of view that lightened the task.⁸³ To the other and even more difficult problem of reaching the individual teacher and helping him to do his indispensable part, he brought patience and industry as well as understanding. On his entrance into the ministry, before the drafting of the law, but in anticipation of it, he authorized the publication of a periodical⁸⁴ which should keep teachers and local authorities informed as to educational methods and experiments, as well as on other matters of interest and helpfulness. After the adoption of the law he supervised the preparation of five elementary manuals planned to direct instruction in the prescribed subjects.⁸⁵ Then, since "the best laws, the best instructions,⁸⁶ the best books are of little avail so long as the men charged with putting them into practice have not their minds filled with and their hearts touched by their mission, and bring not to it a certain measure of passion and of faith," he commissioned Charles de Rémusat to compose a circular letter which he sent with the text of the law to 39,300 schoolmasters.⁸⁷ This letter is a remarkable pedagogical document and a veritable statement of Guizot's ideas although only slightly revised by him.⁸⁸

Such passages as the following serve to illustrate its spirit. "Do not be deceived, sir"—each schoolmaster was adjured—"although the career of a primary teacher be humble, although his efforts and his days must most often be spent in the narrow limits of a commune, his work interests all of society, and his profession partakes of the importance of public functions. It is not

⁸³Guizot, *Mémoires*, III, 72, 73.

⁸⁴*Manuel général de l'instruction primaire*. See Guizot, *Mémoires*, III, 339, for report to the King on the question.

⁸⁵*Ibid.*, p. 74.

⁸⁶For specific rulings and instructions sent at the request of local authorities as to the intent of the law, see Gréard, *La Législation de l'instruction primaire*, I, 255 f.

⁸⁷Guizot, *Mémoires*, III, 76.

⁸⁸The text is given *ibid.*, pp. 344-351.

for the commune solely and in a purely local interest that the law wills that every Frenchman acquire, if it be possible, the knowledge indispensable to social life, and without which intelligence languishes and sometimes is brutalized: it is also for the State itself and in the public interest; it is because liberty is assured of regular exercise only when a people is enlightened enough to listen in every circumstance to the voice of reason. Universal primary education is henceforth one of the guarantees of order and social stability. As everything in the principles of our government is true and reasonable, to develop intelligence, to spread enlightenment, is to assure the . . . duration of the constitutional monarchy." Concerning the provisions designed to assure more security and dignity to the schoolmaster, the letter points out the advantages of the fixed salary, of the savings banks, of the dispensation of military service, of the guarantees against arbitrary interference and persecution provided by the law. "Nevertheless, sir, I am not unaware of this: the provision of the law, the resources at the disposal of the government, will never succeed in rendering the simple profession of a communal teacher as attractive as it is useful Destined to pass his life in a monotonous task, sometimes even to encounter the injustice or the ingratitude of ignorance, he would often grow discouraged and perhaps would succumb if he did not find his force and his courage elsewhere than in the perspectives of immediate and purely personal interest. A profound feeling of the moral importance of his work must sustain and animate him, and the austere pleasure of having served mankind and of having contributed to the public good must be his sole adequate reward"

The duties of the teacher in the community, in his relations with the parents, with the local authorities invested with surveillance, and toward the central administration, are explained with much sound advice. "The curé or the pastor has a right to [the teacher's] respect But if it should come about that the minister of religion should refuse the teacher a proper benevolence, the latter should not humiliate himself to conquer it, but should apply himself more and more to merit it by his conduct It is to the interest of his school to disarm unjust prejudices; it is for his prudence to give no pretext for intolerance" But the first of his duties is toward the children. "The

teacher is called by the father of a family to a share of his natural authority; he should exercise it with the same vigilance and almost with the same tenderness. Not only the life and the health of the children is entrusted to his care, but the education of their hearts and their minds depends almost entirely upon him." For the fulfilment of his duties, he is promised the co-operation of a normal school and of the University, and the stimulus of a journal devoted to the problems and progress of primary education in France and other countries.³⁹

Within a year after the adoption of the law, Guizot could report to the Crown that the number of primary schools for boys had increased from 31,420 to 33,695; the number of pupils in them from 1,200,715 to 1,654,828; and that fifteen new normal schools had been established. By the end of 1847 the number of primary schools for boys had risen to 43,514; the number of pupils to 2,176,079; and there were in that year seventy-six primary normal schools.⁴⁰ In February, 1836, Guizot spoke hopefully in the Chamber of a few intermediate schools then in operation,⁴¹ but the provision for a superior grade of primary education remained practically a dead letter.⁴² Guérard calls attention to the dwindling of illiteracy in the Orleanist period: more than one-half the military contingent of 1830 were illiterate, while in 1847 two-thirds had at least the rudiments of education.⁴³

II

The problem of secondary education was more difficult but at the same time less pressing than that of primary instruction. Here the University possessed the field and clung jealously to its monopoly and privilege while eager rivals and enemies assailed it in the name of liberty of instruction. Guizot, with his respect for the institution that had stood the test of experience, was unwilling to destroy the University: its monopoly he would abolish

³⁹A comparison of this letter with Ferry's circular of 1883 is made by Pécaut, who finds the two similar in spirit. According to him, Guizot showed himself "profoundly and boldly liberal on the question of public instruction."

⁴⁰These figures appear in the *Mémoires*, III, 84.

⁴¹*Archives parl.*, C, 91.

⁴²Compayré in *Cyclopedia of Education*, article on Guizot.

⁴³*Op. cit.*, p. 235.

as inconsistent with a free government and with the promise for liberty of instruction in the revised Charter. Extreme liberals and Catholics alike demanded the fulfilment of the promise, but the Catholics with far more zeal. Montalembert, the young Peer, and Lacordaire of the silver tongue, ardent lieutenants of Lammeis in the publication of *L'Avenir*, refused to follow their leader into open revolt against Rome, and after abandoning the valiant attempt to reform the political attitude of the church, concentrated their energies on the cause of liberty of education. Guizot moved cautiously between their ardor and aggressiveness, on the one hand, and on the other, a suspicious public which "saw in ecclesiastical liberty the precursor and instrument of ecclesiastical domination"⁴⁴ and would have charged with secret Jesuitism a minister who proposed to renounce all restrictions on the Church and the religious congregations.⁴⁵

When, in May, 1834, Lamartine, another ardent advocate of freedom of instruction, expressed a hope that the minister would present at the next session a "complete organization of public instruction,"⁴⁶ Guizot replied that while it was not part of his purpose to propose a complete new system, he agreed that liberty must indeed be extended to every degree of instruction. He had attempted to prepare a project for secondary schools for that session (1834) but had found a multitude of unforeseen difficulties and had concluded that further investigation was necessary.⁴⁷ Twenty months more elapsed, without bringing a clear solution of the difficulties.⁴⁸ The project which he at last presented to the Deputies 1 February, 1836,⁴⁹ was designed to give substantial fulfilment to the promise of 1830. Its basic ideas were the maintenance of the University as a *grand fait accompli* with, however, the displacement of the principle of monopoly for that of

⁴⁴Guizot, *Mémoires*, III, 103.

⁴⁵*Ibid.* For an example of this attitude see the attack of a member of the Opposition 27 Mar., 1837, *Archives parl.*, CLX, 4.

⁴⁶Discussion of the budget, 8 May, 1834, *Archives parl.*, XC, 97.

⁴⁷*Ibid.*, p. 98. Tracy took occasion in this same discussion to rebuke Guizot for delay. *Ibid.*, p. 129.

⁴⁸He begged the indulgence of the Chamber again 29 May, 1835. *Ibid.*, XCVI, 596.

⁴⁹*Ibid.*, C, 84-95.

free competition, and the postponement of certain questions still hopelessly embittered by party spirit, notably that of the *petits séminaires* for the education of the priesthood.⁵⁰

In his *exposé des motifs*, Guizot described the system of *lycées* and royal colleges established by the law of 1802 and improved by later legislation as a "*grande et belle création*," the result of Napoleon's desire to rally and elevate the middle class;⁵¹ under suspicion during the Restoration, this system had grown nobler with opposition, and by its existence had made it impossible for the counter-revolutionary spirit to dominate the secondary schools, keeping neutral a field which party passions should not be allowed to enter. God forbid—he continued—that we should fall into the vanity of "forever recommencing and making all things new." Nor did he desire to write into law what already existed. What then did he propose? To introduce and give legal organization to the principle of liberty of instruction. This principle having been nullified by the provisions making special and discretionary authorization obligatory for private colleges, and holding them in fear of its withdrawal, it was necessary to give to private secondary schools the same freedom which the law of 1833 had granted to primary schools.⁵²

Monopoly was thus discarded, and competition invited. The State would fight the attempt of party spirit to gain the schools, not by exclusion, but by making its own schools as excellent as

⁵⁰Which had been during latter years of the Restoration open for general instruction and on a more favored financial footing than purely private enterprises. Guizot's desire (made clear in the parliamentary discussion 28 March, 1837) was that these schools should return to their original purpose, education for the priesthood, and should continue to enjoy a favored position, while general secondary instruction by the church should be given only in establishments which should come under the provisions of the law for private schools. *Archives parl.*, CIX, 1 ff.

⁵¹"Which is not the whole of society, but which in our day represents it and forms its vital element." *Ibid.*, C, 85.

⁵²As in the case of the primary schools, guarantees against abuse of freedom were provided, the chief of which was the requirement that teachers in private schools as in the state schools must present the *brevet* of capacity and the certificate of good character; private schools were to be subject to the same inspection as were the public schools. The minister was empowered to reprimand for grave negligence or disorders in the régime of a school, but he could close it only through the courts.

possible. Preeminence in the field should be its goal. It could, moreover, and must, assure cheap secondary education within the reach of all the middle class.

In this attempt to realize the promise of liberty of instruction lay the chief interest of the proposed legislation, and the chief reason for the opposition it was to encounter. But the provisions relating to curriculum deserve brief mention as evidence of Guizot's recognition of new educational demands in a changing economic and social order. The law recognized two grades of communal secondary schools, or colleges: those of the first order, ranking with the royal colleges; those of the second order, i. e., the colleges which fell below such standards. Only in the schools of the first order could an adequate curriculum be maintained; the provisions of the law for such colleges display the opinion of the minister and his advisers as to what instruction was desirable and practicable under comparatively favorable conditions. The college should give first to all students a foundation for literary and scientific study, including the elementary classical studies, the elements of science, French language and literature, and history;⁵³ after this foundation they should offer a choice of further literary and classical studies or further preparation for the "non-literary" professions.⁵⁴ The colleges of the second order

⁵³*Archives parl*, C, 90 ff.

⁵⁴A letter of 20 August, 1832, at the time when his son, François, had just completed his college course with honor and was ready to begin special study in the subjects of his choice, throws interesting light on the declining appeal of the classical studies. "François"—wrote his father—"is going to begin his philosophy and mathematics. It is a new world; he is disgusted with the old one. All his sweetness and his confidence in me have been needed this last year to keep his Greek and Latin from becoming nauseating to him. Evidently there is something in them which no longer satisfies . . . the natural tendency of society . . . For nothing in the world would I abolish or even weaken the study of the [classical] languages . . . I hold very strongly to these few years passed in familiarity with antiquity; for if one has no acquaintance with it, one is only a *parvenu* in the world of the mind. Greece and Rome are *la bonne compagnie* of the human spirit, and in the midst of the fall of all the aristocracies, we must try to keep that standing . . . I am more and more struck with all the advantages of classic education; and yet I agree, I see, in the person of my son that there is something to be changed and something of importance. The instruction is too meager and too slow.

were to be limited by law as to the amount of classical education they could offer, but left free to develop as they pleased such industrial, commercial, and agricultural instruction as the community needed.⁸⁵

The Chamber listened with attention and interest to the minister whose eminence in his field was respected by everybody; he left the tribune amid "numerous and prolonged marks of approval." What greater chance of success his measure might have met had it gone on to prompt discussion and vote is merely conjectural. The committee charged with the examination of the project was predominantly friendly,⁸⁶ and the postponement may well have been responsible for the failure of the most serious attempt made in the Orleanist period to redeem the promise of the Charter in respect to free schools. Guizot was more concerned with its redemption than any other minister of Louis-Philippe, and freer to fight for it in 1836 than in 1837 or in the years after 1840, when to keep his majority united was his first consideration.

Three weeks after the introduction of the bill, the cabinet of 11 October gave way to the first Thiers ministry. The measure was, however, reported out of committee by Saint-Marc-Girardin a few days before the close of the session with a number of amendments which left the essential character unchanged.⁸⁷ No

The distance is too great between the intellectual atmosphere of the real world and that of the college. Methods are adapted to classes of large numbers, which results in the sacrifice of able students to mediocre ones. . . . To tell the truth, the college and almost all our system of public education are still made in the image of our old society. The reveries of the eighteenth century, the nonsense of the Revolution in this field, disgusted us with the new experiments . . . and in going back to the old way we have fallen into the old rut. We must get out of it, but with great care and precaution . . ."—To the Duke of Broglie, Mme. de Witt, *Guizot*, pp. 138-139.

"Guizot's hope was that the superior primary schools might do something to fill the need for such "practical education." *Ibid.*, p. 91. They would eventually, according to his scheme, furnish the first degree of an "intermediate instruction" which could be continued in the colleges. *Mémoires*, III, 110.

"Rémusat, Vitet, Dubois, Amilhan, Saint-Marc-Girardin were among its members.

⁸⁴ June, 1836, *Archives parl.*, CV, 372-390. For an arrangement of the original text and the committee's recommendations in parallel columns, see *ibid.*, CVI, 559 ff.

discussion was possible before the summer recess. When the Chamber reassembled, Guizot was again minister of public instruction. The same report was made, Saint-Marc-Girardin again spokesman for the committee, on 20 January, 1837.⁵⁸ On 13 February, the Chamber postponed discussion of the law on receiving word that the minister was detained by the desperate illness of his son.⁵⁹

A month later the discussion began.⁶⁰ The fundamental character of the proposal was attacked by the enemies of the University and by those who distrusted the Church. In the first class was Tracy who objected that the bill did not give liberty, complained of the "eulogy" of the University, and objected to the favored place still left to the classics in the curriculum.⁶¹ In the second class were Isambert who feared that too much liberty would bring back the Jesuits, and one Péton who feared that they were back already.⁶² All the liberal provisions of the law were attacked or questioned. Guizot answered objections with moderation and patience. Saint-Marc-Girardin and Dubois led the defense of the committee recommendations, in all vital respects in harmony with the minister.⁶³ Pelet also answered the attacks of those who said the proposed law gave too much liberty, and of those who insisted it gave too little. But their united efforts could not save it from the amendment which violated the spirit of Guizot's conception of liberty. To the reasonable requirements prescribed by the original measure for teachers in secondary schools was added the exaction of an oath of allegiance to the government; and members of "unauthorized associations" were specifically excluded from secondary teaching.⁶⁴ This alteration Gui-

⁵⁸*Archives parl.*, CVI, 538 ff.

⁵⁹François Guizot died two days later.

⁶⁰14 March. *Archives parl.*, CVIII, 365 ff. Continued 15-17, 21, 24, 27-29 March.

⁶¹*Ibid.*, pp. 365-68. He objected also to the royal colleges on the ground that "two or three or four hundred" students could not be assembled in one school without demoralization; such an institution would require a prison for discipline! *Ibid.*, p. 684.

⁶²*Ibid.*, pp. 398 ff., and CIX, 4.

⁶³For a point on which they opposed his recommendation and the Chamber upheld him, see *ibid.*, CIX, 57 ff.

⁶⁴16 March, *ibid.*, CVIII, 441.

zot felt to be a defeat of his purpose, and he did not greatly regret the ultimate failure of enactment.⁶⁵ The amended bill was voted by the Chamber 29 March,⁶⁶ but Guizot was out of office before it could be acted on by the Peers.

One speech supporting his bill its author could not but recall with especial gratification.⁶⁷ This was Lamartine's reply to the Opposition, and his eloquent tribute to Guizot.⁶⁸ He declared that the enemies of the proposal made him its friend. "What!" he exclaimed, "after seven years of waiting, after a revolution made to obtain this liberty of instruction . . . we would throw it back at the sincere and courageous minister who offers it to us, and make France and Europe think that the sphere of liberty is not large enough to contain us all, and that we wish freedom for ourselves alone!"

III

There were other defeated or incomplete plans. In the field of higher education he was desirous of introducing a more generous policy for the advancement of young men. With the courses offered in the various Faculties of the University, in the College of France, and in the special schools, political interference was a thing of the past, and the professors were free. (The new government limited its intervention to the nomination of professors from the lists submitted by the various teaching bodies and learned societies.) But the *agrégés*, young lecturers who had been since 1823 allowed to substitute on occasion for the titular professors, were not allowed to offer courses of their own. Guizot planned in 1835 to modify their status so as to give them greater freedom, but it was left for Cousin in 1840 to secure such a measure.⁶⁹

Another unrealized idea was the result of his concern for the young men who flocked to the capital to study and all too often found themselves unable to withstand the temptations to idleness and vice, or at best, condemned to the aching loneliness of his

⁶⁵Guizot, *Mémoires*, III, 109.

⁶⁶*Archives parl.*, CIX, 193.

⁶⁷Guizot, *Mémoires*, III, 108.

⁶⁸*Archives parl.*, CVIII, 668 ff.

⁶⁹Guizot, *Mémoires*, III, 135.

own first year in Paris. The English residence halls of Oxford and Cambridge, with their combination of surveillance and freedom, appeared to him admirable institutions that might be imitated. He hoped that other organizations might be induced to cooperate with the State, and he talked to certain of the Roman Catholic clergy as well as to his Protestant friends about the possibility. "Of all my projects relating to higher education, I had this most at heart," he wrote later.⁷⁰

The most significant and far-reaching of the reforms he planned for higher education was the product of long thought. Since 1814, he had continued to ponder the evils of over-centralization in French society, especially in its intellectual life. His early project for the creation of seventeen universities outside of Paris he had come to think impracticable, for he considered the nation unable to maintain so many centers of letters and scholarship. Four seemed enough in 1835; he had in mind Strasbourg, Rennes, Toulouse, and Montpellier. Time failed to bring the idea to fruition, and Cousin was likewise unable later to carry through a similar plan. Of these failures, Guizot wrote in the *Mémoires*: "I am far from believing that three or four universities, placed here and there at a distance from Paris, can cure this evil produced and fomented by so many causes, some perhaps insurmountable. Nevertheless real centers of intellectual life will give many men the opportunities they seek in their own homes or near them, and Paris, without ceasing to be the grand theater of our literary and scholarly activity, will cease to be the maw where so many minds capable of a more useful life and worthy of a better fate, come to be swallowed up."⁷¹ Not until 1896 were the provincial universities created; their success has surpassed expectations and testifies to the practicability of intellectual decentralization.⁷²

But in several cases there was the satisfaction of fulfilment of long cherished ideas. One concerned the organization of the Institute, which from 1816 to 1832 comprised only four Academies:

⁷⁰Guizot, *Mémoires*, III, 140.

⁷¹*Ibid.*, pp. 138, 139.

⁷²Guérard, *French Civilization in the Nineteenth Century*, p. 249. For his encouragement of provincial scholarship, see Guizot, *Mémoires*, III, 160, and Weill, *La monarchie constitutionnelle*, pp. 114-115.

the French, and the Royal Academies of *Inscriptions et Belles-Lettres*, of Sciences, and of Fine Arts. A few days after entering office in October, 1832, Guizot found the Council favorably disposed to the revival of the fifth academy, that of the "moral and political sciences," which had been founded by the Convention but suppressed by Napoleon in his distrust of any interest in political matters, no matter how speculative, on the part of *savants* or men of letters. Guizot's earlier interest in such a revival has been mentioned.⁷³ Even as minister he found that he had to overcome among the Conservatives a certain mistrust of philosophic speculation and—a more formidable obstacle—an objection to the recall of the surviving members of the earlier academy, two of whom, the abbé Sieyès and Merlin de Douai, had voted for the execution of Louis XVI. Royer-Collard was not to be persuaded: he curtly refused to allow his name to be presented for election when the newly-organized Academy proceeded to complete the roll.⁷⁴ One member of the Convention and of the first Academy, Lakanal, who had been completely forgotten by everybody, wrote from his Alabama plantation to demand reinstatement, and, receiving it, returned proudly to France to take his seat.⁷⁵ By this revival of the Academy of Moral and Political Sciences the Institute received its definitive organization and became "the synthetic expression of the French scientific movement."⁷⁶

The greatest single service to scholarship in these years was a natural outgrowth of Guizot's academic career. From the time when his course at the Sorbonne had given the signal for the emergence of French historical research from the discouragement it had suffered in the Revolutionary and Napoleonic era, he had constantly striven to promote the critical study of the past. Out of his work in the sources had resulted his publication of *Mémoires relatifs à l'histoire de France*. In June, 1833, he

⁷³Above, p. 55.

⁷⁴For this opposition and for Royer-Collard's note to Guizot see the latter's *Mémoires*, III, 149-150.

⁷⁵*Ibid.*, p. 157. In a letter to Guizot he declared himself a warm supporter of the new monarchy and a good Doctrinaire!—From Mobile, 16 July, 1835, *ibid.*, pp. 389 ff.

⁷⁶Lavissee et Rambaud, *Histoire générale*, X, 438.

was one of the founders of the *Société de l'Histoire de France*⁷⁷ which began in 1834 the work which was to continue for more than half a century with rich results for historical scholarship. But greater resources than those of such a society were necessary if the treasures buried in the archives of the capital and of the provinces were to be rescued from oblivion and decay and put into permanent and accessible form.⁷⁸ In the budget of the ministry of Public Instruction for 1835 was a demand for a special appropriation of 120,000 francs to begin this great enterprise. The money granted,⁷⁹ he set to work with enthusiasm, and with the aid of Augustin Thierry, Mignet, Cousin, Michelet⁸⁰—to mention only the most distinguished names—he soon had under way the great project which corresponds in its importance for historiography to the publication of the Rolls Series in England or the *Monumenta* in Germany. Its work was confined, however, to hitherto unpublished material. One interesting item among the early discoveries of the great committee which set to work to unearth the riches of local archives was the finding at Avranches of the manuscript of Abelard's *Yca and Nay*. The report of Hippolyte Royer-Collard to Guizot's successor of the work under way in 1836 indicates the enormous and fruitful activity which had been enlisted in the enterprise.⁸¹

Among many minor occasions for the encouragement of research and the improvement of facilities for it,⁸² the Minister of Public Instruction had opportunities for aid to individual scholars. Now and again he included in his budget requests for funds to buy the libraries or papers of deceased scholars, or for

⁷⁷Guizot, *Mémoires*, III, 117.

⁷⁸Guizot's reports to the King on the subject 31 Dec., 1833, and 27 Nov., 1834, are reprinted in his *Mémoires*, III, 394 ff.

⁷⁹10 May, 1834, *Archives parl.*, XC, 162. The appropriation was the object of an attack from Garnier-Pagès, who, upon Guizot's explanation that young scholars would be used for the work of editing, declared that the minister wanted not only to preserve the public documents but to attract young men into government service who might otherwise be active as Republican journalists.—*Ibid.*, p. 159.

⁸⁰Guizot, *Mémoires*, III, 180-181.

⁸¹Report of 23 March, 1836, reprinted, *ibid.*, III, 412.

⁸²See, for example, the minor items in his budget for 1834, *Archives parl.*, LXXXIV, 346-348.

pensions for their widows.⁸² He found ways of rendering financial assistance to living men of science who had spent themselves in fruitful but unremunerative research. Jouffroy, suffering from tuberculosis, was sent on a "mission" to Italy in 1835.⁸⁴ Rossi, an Italian liberal whom Broglie had met as a refugee in Switzerland and introduced to Guizot, was appointed to a professorship of constitutional law, and sustained firmly against a disorderly opposition organized against him by a group of students.⁸⁵ The Chamber was not always disposed to abet a policy of generosity to individuals, especially in the earlier years;⁸⁶ but in 1835 some of the sums he requested for such purposes were actually augmented in the course of the budget debate.⁸⁷ Guizot himself was unresponsive to some of the requests which came to him. Auguste Comte, suggesting the creation of a chair of history of the mathematical and physical sciences at the *Collège de France*, impressed the minister by his sincerity and profound conviction—and the "immoral falsity" of his ideas! "Even had I judged it appropriate to create (the chair), I should certainly not for a moment have dreamed of giving it to him," wrote Guizot in his *Mémoires*.⁸⁸

⁸²*Ibid.*, LXXX, 524-527 (2 March, 1833); Guizot, *Mémoires*, III, 117-133.

⁸⁴See his letters 6 Dec., 1835, and 4 Jan., 1836, to Guizot from Marseilles and Pisa, Guizot, *Mémoires*, III, 375 ff.

⁸⁵*Ibid.*, pp. 121-125. For political opposition to Rossi's free-trade doctrines, see Weill, *op. cit.*, p. 278.

⁸⁶E.g., the case of a refusal to grant a stipend of 4,000 francs to a professor of Arabic who was declared by a member of the Opposition to have no pupils. 10 May, 1834, *Archives parl.*, XC, 152.

⁸⁷*Ibid.*, XCVII, 19, 20.

⁸⁸III, 127. For Comte's letter 30 March, 1833, *ibid.*, pp. 383 ff.

CHAPTER V

PERSONAL POLITICS

A student of the parliamentary archives alone might not unreasonably suppose after reading the records of the sessions of late January and early February, 1836, that a majority in the Chamber were so determined on a measure of economy which would hit chiefly the capitalists of Paris, that they were ready to overthrow a ministry which stood in the way of an immediate realization of their desires. Such a reader might well be disconcerted to find upon further perusal of the archives that when the next ministry, a little more than a fortnight later, adjourned the question of conversion of *rentes* indefinitely, only the Opposition murmured.¹

Not the five per cents, but the minister who told the Deputies that the Government had no immediate intention of proposing a reduction, was the object of the adverse vote. The one hundred ninety-four black balls sent the Duke of Broglie into a retirement which proved permanent.

Thirty-four years later, at the time of his death, in January, 1870, the friend who was to outlive him four years wrote these words: "I am losing my oldest, my best, my rarest friend. So beautiful a soul, so proud and so modest, a disinterestedness so complete and so simple, a respect so profound for truth and for liberty . . . so humble before God, so devoted to the welfare of men, all the noble and pure sentiments, no petty passions! . . ." ² There is little in the recorded judgment of contemporaries or of history to contradict this warm tribute of friendship. Over and over again in the correspondence of the period one encounters the same note.³ Odilon Barrot calls him a "true liberal,"⁴ and

¹*Archives parl.*, C, 22 Feb., 1836.

²Guizot to his daughter, 26 Jan., 1870, de Witt, *Guizot*, p. 339.

³E.g., Rémusat to his mother, 14 Nov., 1821, *Correspondance*, VI, 559; Tocqueville to de Beaumont, *Memoir and Remains*, II, 75; Bresson to Barante, 7 Mar., 1836, *Souvenirs de Barante*, V, 317; "Quelle perle pour la pureté," wrote Mme de Dino of him, 17 Oct., 1832, to Barante, *Souvenirs de Barante*, V, 34. Molé indeed cannot be quoted in this connection and after 1833 Mme. de Dino wrote in a different strain.

⁴*Mémoires*, I, 285.

describes him thus: "Noble in origin and nobler still in sentiments, he would have figured honorably in the British aristocracy, which he resembled in views, principles, and even somewhat in manner of life."⁵ According to Barrot, French manners and political habits were not far enough advanced for leadership on so high a plane. Preoccupied with ideas and causes, Broglie thought little of persons and *amours-propres*. Save for the few to whom he gave his heart—and with them he was the "least demonstrative of men"⁶—he loved mankind better in the abstract than in the flesh. Guizot, in relating the history of the episode in question, remarks of Broglie that none ever thought more of behaving justly toward his fellowman and less of pleasing him.⁷ He did not disguise a low opinion of the political capacity of the ordinary Deputy, public office had for him little or none of the zest it had for Guizot, and he found the strife of the political arena excessively distasteful and wearisome.⁸ In 1830, when he was a member of the first Orleanist ministry, an admirer, after remarking that Broglie viewed the prospect as very dark while Guizot saw it as equally bright, wrote that the former "displays a disgust for affairs and for individuals which is not wise when one governs."⁹ A certain coldness and stiffness of manner was naturally, though wrongly, interpreted as aristocratic hauteur: it helped to prevent his commanding a political following commensurate with his personal significance.¹⁰

His curt "*Non! Est-ce clair?*" in the Chamber on the eighteenth of January was magnified into an insult in the days that followed

⁵*Ibid.*, p. 68.

⁶Guizot, *Mémoires*, III, 42. Mme de Broglie once wrote to Mme. de Castellane, "Victor loves you much, much, for him." 21 July, 1820, *Lettres*, p. 58.

⁷Guizot, *Mémoires*, III, 328.

⁸Expression of this attitude occurs frequently in the letters of Mme. de Broglie. See, for example, that to Mme. Sainte-Aulaire, 31 Jan., 1834, *Lettres*, p. 207.

⁹The writer added "Aside from that, he is if possible better and more generous than ever." Mahul to Vicomte Dejean, 8 Oct., 1830, Jeanjean, *Guizot et Mahul*, p. 80.

¹⁰In the Opposition and Third-Party journals are many allusions to Broglie's arrogance in this affair. E.g., the *Constitutionnel* for 19 Jan., 1836; the *National* for 8 Jan., 1836.

of excited discussion in the corridors of the Palais-Bourbon, or in the social gatherings of Deputies and their wives and friends; and on the fifth of February exactly enough members of the former ministerial majority joined the Opposition to overthrow the Government.¹¹ "M. de Broglie," wrote the lady who presided over the salon of Talleyrand—the old diplomat had installed himself in Paris in 1835 upon his retirement from London—"M. de Broglie is quite naïvely in despair, without the least in the world suspecting that all this *levée de bouchiers* in the Chamber is directed solely against him. No one cares to undertake to enlighten him. I am sure that if he suspected it, he would be the first to beg his colleagues to remain without him; he would thus terminate a situation that is disagreeable to everybody, and which derives from a single sole individual."¹² A fortnight later she was complaining bitterly that people blamed Talleyrand for the fall of the ministry—as though M. de Broglie had not brought it all to pass himself.¹³

Did the lady protest too much? Talleyrand's attitude toward the Doctrinaire duke since 1834 had certainly been very different from his cordial support of the earlier years. As late as December, 1833, he had rated the minister's diplomacy and value to the Orleanist monarchy very high.¹⁴ He had changed his tone shortly thereafter.¹⁵ Having come to the conclusion in the course of 1834, in agreement with Louis-Philippe, that a sort of *rapprochement* with the absolute monarchies might with advantage be substituted gradually for an exclusive devotion to the *entente* with

¹¹*Archives parl.*, C, 233.

¹²Duchess of Dino to Barante, 11 Feb., 1836, *Souvenirs de Barante*, V, 289. Bresson wrote to Barante from Berlin 7 Mar., 1836, that "if Broglie had of his own movement freed M. Guizot and Duchâtel of their engagements toward him, Molé would have taken his place and all would have been said." *Souvenirs de Barante*, V, 317.

¹³Letter to Barante 28 Feb., *ibid.*, V, 309. Barante received letters about the crisis from Molé, Mme. de Dino, Decazes, Pasquier, Broglie, Mme. de Broglie, Mme. de Lieven, and Thiers.

¹⁴Letter to Barante 13 Dec., 1833, *ibid.*, p. 94. But Mme. de Dino complained to her journal at the same time that Broglie was showing a "great lack of frankness and confidence towards M. de Talleyrand."—Entry of 9 Dec., 1833, *Memoirs of the Duchesse de Dino*, I, 24.

¹⁵Duchess of Dino to Barante, 15 Jan., 1834, *ibid.*, pp. 96-97.

England,¹⁶ he had found Broglie's attitude a troublesome obstacle. He had from the beginning deferred to Louis-Philippe's desire to supervise foreign policy;¹⁷ Broglie had refused to indulge it; the Duchess of Dino did not hesitate on occasion to express herself freely on the subject of the duke's "recalcitrance."¹⁸ A witticism ascribed to Talleyrand circulated freely: "It is M. de Broglie's *métier* not to be minister of foreign affairs."¹⁹ They may have been entirely innocent of "intrigues"²⁰ against the object of their disapproval, but certain it is that their great influence with the court and the diplomatic world was not favorable to him after his return to office early in 1835. The defeat of the cabinet on the question of the *rentes* came as a surprise to them, as to everybody, but during the long crisis which followed, suspicious minds found abundant evidence of their intervention to persuade Thiers to head a new government and thus to insure the "diplomatic revolution" they desired.²¹

¹⁶He had indeed tried in vain to get Broglie to propose a formal treaty of alliance with England and no sooner was the latter out of office than Talleyrand made the same suggestion to Rigny in a letter of 7 April, 1834. (Talleyrand, *Mémoires*, V, 236.) But Palmerston's attitude and policy seemed to him to promise no further benefits to France from an exclusive friendship with England.

¹⁷For his correspondence with Madame Adelaide, the King's sister, in 1830, see Talleyrand, *Mémoires*, III, 310 ff.

¹⁸Letter to Mme. de Lieven, then in Russia, dated simply 1834. Daudet, *Une vie d'ambassadrice*, p. 189.

¹⁹Thureau-Dangin, *La Monarchie de Juillet*, II, 434, Blanc, *Ten Years*, II, 380.

²⁰Of which Molé accused them in a letter to Barante 22 Feb., 1836, *Souvenirs de Barante*, V, 296-297. See also Blanc, *op. cit.*, II, 380-384. Broglie, whose judgment may have been clouded under the circumstances, wrote to an intimate friend after the formation of the Thiers cabinet: "You know the *dénouement* of our ministerial crisis. You may form your own judgment on it. You will have some difficulty in reconciling it with the most elementary notions of representative government. I do not undertake to excuse or explain the conduct of anyone. It would take a long narrative indeed to explain for you the series of intrigues of which this is the unfortunate result." *Documents inédits*, cited by Thureau-Dangin, *op. cit.*, III, 6.

²¹Molé to Barante, 22 Feb., 1836, *Souvenirs de Barante*, V, 296-298; Decazes to Barante, 29 Feb., *ibid.*, p. 310; Mme. de Lieven to Barante, 17 Feb., 1836, *ibid.*, pp. 291, 292.

Several tendencies inimical to the continuance of the "triumvirate" had at last converged to a fateful moment. The Third Party, silenced for a time by the Fieschi crime, was again ready to welcome an opportunity to disestablish Doctrinaire leadership of the majority in favor of its own. Talleyrand wanted a new orientation of foreign policy and a new minister. The King, besides having great respect for Talleyrand's judgment, would seem to have had reasons of his own for viewing a dissolution of the ministerial alliance without regret.

Louis-Philippe had accepted the rôle of constitutional monarch, as he understood it, in good faith. That he did not understand it precisely as did Broglie, the student of English parliamentary history and the friend of Lansdowne and Brougham, is hardly surprising. According to Greville, he once inquired of Granville: "King William presided in person at his council board after your revolution?"²² Foreign relations he considered his own special province. In the first ministry, he had worked with the hearty cooperation of Broglie and Guizot to reassure the frightened courts of Europe on the score of French intentions, and to secure the benevolence of England; but Broglie's portfolio had not been Foreign Affairs, and there was no titular president of the Council.²³ In the next ministry, although Laffitte had taken the title, his indolence and amiability made it easy for the King practically to exercise the functions of presidency. Casimir Périer had with characteristic ruthlessness denied him any such influence, and while Louis-Philippe had endured the humiliation from a minister whose services were so great, the experience was one he remembered with distaste. After Périer's death he would gladly have continued with a leaderless cabinet had the situation permitted.²⁴ He accepted the cabinet of 11 October with good grace, but he soon found Broglie, in Blanc's words, "stiff, obstinate, coldly dignified, and impenetrable to all minor seductions."²⁵ In other words, the minister would not resign his scruples or tolerate royal interference in his department. So long

²²*Journal of the Reigns of George IV and William IV*, II, 500 (entry 5 Feb., 1837). Cf. Raikes, *Journal*, I, 318, entry 28 Dec., 1834.

²³Broglie, *Souvenirs*, III, 424, 425.

²⁴Barante, *Vie politique de Royer-Collard*, II, 475.

²⁵*Ten Years*, II, 237, 238.

as the leaders of the cabinet presented a united front, the King could do nothing but wait. "When these three gentlemen are in accord," he is reported to have said, "I find myself neutralized; I can no longer make my opinion prevail; it is Casimir Périer in three persons."²⁶ Guizot, more tactful and perceptive than Broglie, and less impatient with the King's desire to play a substantial part in the determination of policy, was nevertheless inseparable from his friend. But Thiers, whose fortunes were closely bound up with the Orleanist cause, who was certainly as flexible as Broglie was inflexible, who met his King half-way with the same charming familiarity of manner that was habitual with Louis-Philippe himself²⁷—Thiers might one day feel adequate to head a cabinet without the Doctrinaires. If the King was desirous of such an outcome, he could afford to bide his time so long as there was no real divergence between his judgment and that of his ministers. If Broglie's retirement in April, 1834, was pleasing to him,²⁸ there is no suggestion of it—rather the reverse—in Madame Adelaïde's published correspondence with Talleyrand.²⁹ But in August, 1834, a well-wisher of the Government complained that the King was talking too much with the foreign ambassadors.³⁰ In the November crisis of that year he prevented the recall of Broglie and found that neither Thiers nor Guizot wanted to govern without the other or to be

²⁶Barrot, *Mémoires posthumes*, I, 284.

²⁷See the conversation with Thiers reported by Senior, *Conversations*, I, 131; Heine, *French Affairs*, II (*Lutetia*), 35.

²⁸Blanc, who makes such charges without great scruple, says that the court instigated the defeat of the American treaty. *Op. cit.*, II, 237, 238.

²⁹Letter to Talleyrand 2 April, 1834, Talleyrand, *Mémoires*, V, 346, 347.

³⁰Decazes to Barante 13 Aug., 1834, *Souvenirs de Barante*, V, 154. Louis-Philippe was determined then and in ensuing years, to prevent the possibility of war with Russia on the Levantine question, not by an understanding with England which would if necessary threaten Russia—which was Broglie's idea—but by the more subtle method of an understanding with Metternich, says Bourgeois. ("The Orleans Monarchy," in *Cambridge Modern History*, X, 494, 495). Thucau-Dangin, citing a confidential letter of Broglie's to Bresson in Berlin, ascribes the policy of gradual rapprochement with Austria to Broglie, the object to thwart Russian designs, by war if necessary. *Op. cit.*, II, 418-425. Guizot alone of the chief ministers was like the King in regarding the avoidance of war as a fundamental principle of policy.

subordinate to the other. In March he was forced by the strength of Doctrinaire influence in Parliament to submit to Broglie's return not only as minister of foreign affairs but as president of the Council. It is then hardly surprising that the monarch accepted with equanimity the defeat of the ministry under circumstances that seemed to spell Broglie's withdrawal from office for a long time to come.

It proved no easy matter to find successors for the fallen cabinet. The King appealed to Humann, to Molé, to Gérard, to Dupin and his friends. Many were the conferences and tentative proposals, but all came to nothing. Then Louis-Philippe asked Thiers to form a new combination. Thus, for the third time within fifteen months, the latter's resolution to maintain the alliance with the Doctrinaires was put to the test. In November, 1834, he had stood firm; in March, 1835, he had hesitated, but prudence and party loyalty had triumphed over personal ambition. What would he do now, with the flatteries of the *grandes dames* of Talleyrand's circle urging him to essay a greater rôle than he had yet played? Having supported Broglie vigorously in the affair of the *rentes*, and having expressed at the outset of the crisis strong contempt for any of the old ministry who should accept office in a new,⁸¹ he was at first reluctant to accept the royal invitation.⁸² But foreign affairs had tempted him for more than a year; he had, moreover, no profound conviction that the continuance of his union with Guizot was of great importance.⁸³ After trying in vain to persuade Duchâtel to accept a place in his cabinet, offering to let him name two ministers and to propose to Guizot the embassy to England,⁸⁴ his conscience was satisfied, and his ambition, his confidence in his own powers, and the counsels of Talleyrand prevailed. The first Thiers cabinet was announced on 22 February.

⁸¹Conversation reported on the authority of unpublished documents by Thureau-Dangin, *op. cit.*, II, 437.

⁸²See his letter to Barante, 29 Feb., 1836, *Souvenirs de Barante*, V, 311 ff. Cf. Molé to Barante, 22 Feb., *ibid.*, p. 296.

⁸³Guizot, *Mémoires*, III, 333-334. Guizot's statement is very guarded; he alludes to the flatteries of certain persons who disliked Broglie, but mentions no names.

⁸⁴*Ibid.*, p. 335. Cf. Molé to Barante, cited above, n. 31.

The new ministry contained three of the Third Party and one of the King's especial friends, Montalivet. Thiers stood alone as the only member of great personal significance. As president of the Council and minister of foreign affairs he had reached, at the age of thirty-eight, the topmost rung of the political ladder. Broglie is said to have warned the King, when the latter sought him to demand the formal release which Thiers insisted upon, that "if he elevated Thiers to the first place, he must keep him there; for he could not make him descend without risk of casting him into the revolutionary party."³⁵

Louis-Philippe's conduct through the crisis had been most discreet; but the course of events had served the purpose which unfriendly observers ascribed to him. "While M. Thiers continued the ally of the Doctrinaires, there was but one ministry possible, that could be formed so as to endure," wrote Louis Blanc a few years later. The decision of Thiers "enabled the King to choose amongst several cabinets equally possible, though all feeble," and with the dissolution of the cabinet of 11 October, "parliamentary government ceased to exist; the personal government became then established."³⁶ Blanc was influenced in retrospect by the events of 1837-1839, but one of the Doctrinaires has left it recorded that in September, 1836, after another cabinet crisis, Montalivet told him that a ministry made up wholly of the King's friends would not be impossible when Guizot and Thiers had become wholly irreconcilable.³⁷

II

That the protracted ministerial crisis did not pass without leaving a trace of bitterness between Thiers and Guizot, we have again the testimony of Duvergier de Hauranne. According to him, at one stage of the negotiations, when a Dupin ministry seemed about to materialize, Guizot's friends, in conference with Thiers, suggested that their leader replace Dupin as president of the Chamber; their thought was to assure him an income. Thiers

³⁵Thureau-Dangin, *op. cit.*, II, 438.

³⁶Blanc, *Ten Years*, II, 386.

³⁷*Notes inédites de Duvergier de Hauranne*, cited by Thureau-Dangin, *op. cit.*, III, 120-121.

made no objection, remarking that he was not made for that rôle; but the next day he regretted his concession and announced his own candidacy, saying: "It is I who should head the next ministry: it is therefore necessary that the Chamber, investing me in advance with its confidence, should itself designate me for the choice of the King. To name Guizot rather than me, would be to make him [the next] premier, and I must not suffer it." Guizot refused to contest the point, but he was wounded and expressed himself bitterly to his friends at the time of the incident.³⁸

The demands of courtesy were nevertheless punctiliously maintained on both sides. On the morrow of his final conference with the King, Thiers wrote to his former colleague as follows: "My dear M. Guizot, I had not time yesterday evening to call on you to announce our final arrangement, for we left the Tuileries very late. Events have separated us; but they will allow to subsist, I hope, the sentiments to which so many years passed together in the same perils have given rise. If it depends on me, much will remain of our union, for we have yet many services to render to the same cause although placed in diverse situations. I shall do my best that it may be so. I shall come to see you as soon as I have fulfilled the demands of the first moments." To which Guizot made reply: "My dear friend, you are right to trust in the durability of the sentiments that have resulted from so long a community of work and of dangers. I belong to the cause that we have supported together. I shall go wherever it leads me and I count on finding you there always. Adieu. I shall come to see you when I think you have a little leisure."³⁹ There is no record of what took place when the promised calls were made—if they were made. But the Duchess of Dino, who was feeling exceedingly ill-used because of the rôle assigned by gossip to Talleyrand, wrote Barante that all was wretchedness in the social world, where the Doctrinaires and the friends of M. Thiers "saw each other," but only for appearances. "Nothing," she declared, "equals the intolerance of your salons."⁴⁰

³⁸Thureau-Dangin, III, 24 n., on the authority of the unpublished notes of Duvergier.

³⁹Guizot, *Mémoires*, III, 336, 337.

⁴⁰Mme. de Lieven was in disgrace with the Doctrinaires, she added, for comparing Thiers to Canning.—28 Feb., *Souvenirs de Barante*, V, 310.

The position of the new premier was not particularly enviable. He had attained the desired eminence sooner than he had intended and in a manner he would not have chosen.⁴¹ He had stoutly defended all the policies of the fallen cabinet. Nothing was farther from his intention than a conversion of the five per cents. He had no program.⁴² He looked to circumstances to determine his course,⁴³ and trusted to his own cleverness to rally a majority.⁴⁴ It is related that when the Chamber assembled on 22 February, Guizot was escorted into the hall by a crowd of deputies, while the president of the Council was conspicuously alone. When Duvergier de Hauranne took a seat beside him for a moment, out of compassion, the new president of the Council pressed his hand in gratitude and said to him "The force of circumstances has brought me here in spite of myself, but I do not mean to change either principles or friends; you shall judge by my declaration."⁴⁵

His declaration was indeed phrased in a manner to reassure his old colleagues.⁴⁶ The Third Party, which had hailed the ministry as their own, could be counted upon to indulge this maneuver. But he wished to keep the good-will of the dynastic Left, who had welcomed his separation from the Doctrinaires, and renouncing systematic opposition, were hoping to attract him more and more in their direction.⁴⁷ He managed to give them the impression that his public declarations were to be taken with

"I have made a great sacrifice in accepting the place I have reached before the time foreseen and desired by me . . ." Letter to Barante, 29 Feb., *Souvenirs de Barante*, V, 311 ff. For an instance of the disagreeable aspersions on his loyalty, see the *Constitutionnel*, 16 Feb., 1836.

"Programs are *pédanteries*," he declared in the letter just cited. *Ibid.*, p. 313.

⁴¹*Ibid.*, p. 312.

⁴²A contemporary estimated the parties in the Chambers as follows: 150 devoted to the old cabinet, 50 of the Ganneron group; 70 of the Third Party proper, 70 Barrot men (dynastic Left), 25 Left, 20 Legitimists. Thureau-Dangin, *op. cit.*, III, 8 n.

⁴³*Notes inédites de Duvergier de Hauranne*, cited by Thureau-Dangin, III, 9-10.

⁴⁴*Archives parl.*, C, 441, 442.

⁴⁵Armand Carrel in the *National*, 31 March, derided the dynastic Left for its support of Thiers, erstwhile "their most insulting adversary."

a grain of salt.⁴⁸ The situation demanded all of his exceptional endowment of adroitness, for everybody was a bit skeptical, his former colleagues and their friends not the least so. The wiser heads among them saw that opposition on their part would throw him to the Left, and adopted an attitude of watchful waiting. Mme. de Broglie—the echo, or perhaps it would be more accurate to say, the voice of her husband, and certainly in this instance, of Guizot also—wrote to her friend in St. Petersburg: "This ministry has no brilliant aspect; one wishes it good success and good intentions, but one doubts much."⁴⁹ The *Journal des Débats*, on 15 March, declared that the Doctrinaires were not in opposition: "They will remain in the ranks of the old majority. They will fight only to defend themselves and not to attack." But the same editorial advised the ministry to abandon its equivocal position, since "if today everyone is content, tomorrow everyone will fear that he has been duped."⁵⁰

Guizot, meanwhile, had returned with his mother and his children to the little house in the *rue Ville l'Evêque*, which was full of memories of Elisa Dillon.⁵¹ "M. Guizot," testified the Duchess de Broglie, "supports the change of fortune as a thing he does not even perceive; he lives so high that the difficulties of life do not touch him."⁵² From Barante came the following letter of cheer and counsel: "M. Thiers is a man of good sense, . . . brains, talent, and courage, but I fear that his situation will not remain long in equilibrium . . . His reason must have had, I suppose, a stiff battle with his ambition . . . Everyone writes me of your rôle in the Chamber, of the influence you maintain there, of a greater respect than ever . . . as your friend, I am happy and proud. I do not know what unforeseen events and the

⁴⁸See Thureau-Dangin, III, 12-20. In the Chamber, 24 March, de Sade, a member of the Left, said: ". . . we know . . . what these declarations of the tribune are worth. It is necessary to manage transitions with care, and as has been said, it [Thiers's declaration] was a last courtesy paid to his friends before separating from them."—*Archives parl.*, CI, 233.

⁴⁹Letter to Barante, 25 Feb, *Souvenirs de Barante*, V, 306.

⁵⁰The *Débats* was so close to Guizot that it passed for being inspired by him.

⁵¹Guizot, *Mémoires*, IV, 119-20.

⁵²Letter to Barante 9 March, 1836, *Souvenirs de Barante*, V, 322.

fluctuation of coteries in the Chamber may reserve for you; but I am sure you will be neither impatient nor ardent."⁵³

Guizot's own pride and judgment could but reinforce counsels of discretion. His behavior in the Chamber throughout the session was impeccable. Three times only did he intervene in the debates, in each case supporting the Government, but not without other motives—clearly evident—than mere support.⁵⁴ On the twenty-fourth of March he made one of his great speeches.⁵⁵ The occasion was the debate on the secret funds, the vote on which was, according to custom, regarded as a vote of confidence. The commission charged with examination of the bill, named before the change of cabinets, was dominated by friends of the old ministry. In reporting the Government demand, Dumon, a Doctrinaire, recommended the grant as a vote of confidence that the ministry would continue the policy of the last cabinet.⁵⁶ This precipitated energetic protest from the Left Center (The Third-Party and its allies) and denunciation of that policy from the Left. In the heat of the attack from the Left Guizot demanded the floor. Even the parliamentary record conveys something of the excitement with which from all parts of the Chamber came cries of *Parlez! Parlez!*

He had had no intention of speaking, he declared: "I had indeed intended to remain silent." But he could not hear the policy of the last six years assailed as rigorous and retrograde, without protest. "I do not think, gentlemen, . . . that progress . . . consists in advancing blindly and constantly in the same direction . . . without asking whether . . . it is the direction which leads to the betterment of society . . . Thus, when society has fallen into license, progress consists in returning to order . . . If [we] had need today of . . . a new extension of political liberties, . . . there would be progress in going in that direction. But that is not the present need of France. She needs, gentlemen, to re-establish herself, to strengthen herself on the ground she has conquered . . .

⁵³Guizot, *Mémoires*, IV, 121-122.

⁵⁴In the debate on the secret funds, in the discussion of the budget of minister of public instruction—really his own budget presented by his successor—and in the debate on the Algerian budget.

⁵⁵*Archives parl.*, CI, 239-243.

⁵⁶*Ibid.*, CI, 143-145.

"It is you, gentlemen"—turning to the Left—"who are laboring along in a rut; it is you who repeat what was said in other times, without perceiving that all is changed around you You don't know, then, that there has been a Revolution? [Laughter] yes, we have had a revolution France by an act of will has changed her government. Do you realize in what condition such an achievement leaves for a long time the people which has accomplished it? It is one of those achievements which make the grandeur of nations [but it will be] for a long time a fruitful source of blindness and pride. The mind of man long remains troubled persuaded that it may on any day, at its pleasure renew this terrific deed"

He repelled the charge of rigor with an intensity that glows through the dusty records: ". . . . I defy anyone in future years when [these present] passions shall be allayed I defy any man of sense to say at this tribune that there has been rigor in France these last six years.

"Rigor, gentlemen! but we have barely sufficed for the necessities; it took five years to bring us to recognize them, to proclaim them, us, the depositaries of the power It required frightful disorders, extreme dangers, to bring us to resort—to what? to the simplest means of repression, the most moderate to those which form the common code of all civilized government.

"As for me, I believe that it is not an insult to our illustrious predecessors of 1789 and of 1791 to follow a different route from theirs I do not doubt that in their unknown place of sojourn, those noble spirits, who desired so much good for humanity, feel a profound joy in seeing us avoid today the reefs on which so many of their high hopes were shattered."

He prophesied a long struggle ahead for the *Juste Milieu* before the Legitimists would accept the new régime. As for the revolutionary party—not only because it had tasted power, but because of its passionate conviction that it had found a solution of all the great problems that had tormented man since the beginning of the world—it would long be a formidable adversary. And so the task of restoring and maintaining social stability was only begun: "nothing is finished, everything must be continued.

If you do not persevere . . . you will see vanish all the work that you have so laboriously accomplished . . ."

One of the Doctrinaires describes the scene in the Chamber as Guizot descended from the tribune. "The eight ministers had the air on their benches of eight criminals in the stocks. One cannot, indeed, unless one had been present, imagine either the effectiveness of M. Guizot or the enthusiasm of the majority."⁵⁷ Odilon Barrot was at once on his feet, waiting for the attention of the audience to declare that his party too was loyal to its past, and that if they were kind to the ministry, it was in the hope that a change of policy was contemplated. The moment was too difficult even for the aplomb of M. Thiers and he remained silent. The next day Sauzet, his Keeper of the Seals, explained that the policy of the ministry was a new one, intended to conciliate shades of opinion hitherto opposed; but a few days later (29 March) Montalivet, minister of the Interior, declared in the Peers that the cabinet would be loyal to the old policy, and pronounced against the amnesty. By such maneuvers, and by a judicious distribution of places and social favors, the ministry was remarkably successful in keeping the good will of the Centers and the Left.⁵⁸

The news of Guizot's masterly discourse traveled far: his old friend Sainte-Aulaire, ambassador at Vienna, read it with delight and thought it presaged an early recall of the Doctrinaires to office,⁵⁹ from Barante at St. Petersburg came hearty congratulation: "Your position is noble and great; your words have never been weightier and better received; not only by the Chamber but from one end of Europe to the other . . ." And yet, the writer continued, "how will all this end? How shall a combination which was still necessary be readjusted? A combination which was not solely of persons and proper names."⁶⁰ For Barante was one of those who feared an irrevocable break between the former allies as spelling disaster to the Orleanist monarchy; they were

⁵⁷*Notes inédites de Duvergier de Hauranne*, quoted by Thureau-Dangin, *op. cit.*, III, 14.

⁵⁸*Ibid.*, pp. 18-19.

⁵⁹Sainte-Aulaire to Barante, 3 April, 1836, *Souvenirs de Barante*, V, 332, 333.

⁶⁰Cited without dates, Guizot, *Mémoires*, IV, 129.

distressed at the attitude of the younger and hotter heads among the Doctrinaires, whose tactics in the course of the session illustrated their resentment of Thiers's abandonment of their leaders.⁶¹ They had planned a little campaign of their own against Thiers on the appropriation for public works, which he resented deeply.⁶² Guizot had taken no part in it. "My former colleagues are kinder to me than their friends," reported the Premier to Barante in a letter the conciliatory tenor of which suggests that the writer was thinking of the effect of his words when reported back from Russia.⁶³ But as the weeks passed the bad feeling grew, and the Broglies went to Normandy in May rejoicing to quit a political scene so sadly embittered;⁶⁴ while Decazes wrote Barante at the same time, not without some exaggeration, that Thiers and Guizot were "at daggers drawn, as well as their respective friends," and that things had gone so far that those who deplored their hostility could only groan.⁶⁵

Not however until the session was nearing its close was there any suggestion of clash in the Chamber between the two leaders. In reporting for the approval of the Chamber the budget of Algiers, the committee, under the influence of the Doctrinaire members, recommended reducing the figure asked by the Government and altering the Algerian policy from one of aggressive conquest to one of mere defense of strategic points on the coast. A hot discussion grew out of accusations made by the Doctrinaires Duvergier and Desjobert against the conduct of the soldiery in Algiers under Clauzel, and out of their denunciation of atrocities

⁶¹Pasquier to Barante, 27 Feb., 1836, *Souvenirs de Barante*, V, 307, 308.

⁶²Thureau-Dangin, *op. cit.*, III, 23.

⁶³15 April, 1836. *Souvenirs de Barante*, V, 340. He wrote in the same strain to Bresson, who was very favorably impressed and thought those of the old majority who refused to support the new ministry were making a mistake. (Bresson to Barante, 20 April, 1836, *Souvenirs de Barante*, V, 344.) Broglie seems to have taken especial pains to show friendliness to Thiers and the latter to have been especially grateful for it. *Ibid.*, and Decazes to Barante, 12 May, *ibid.*, p. 376.

⁶⁴14 May. *Souvenirs de Barante*, V, 382.

⁶⁵12 May. *Ibid.*, p. 376. A letter of Doudan's on the election of Guizot to the French Academy suggests that some of the latter's friends suspected Thiers of casting a blank ballot. To M. Raulin, 3 May, 1836, *Mélanges et lettres*, I, 187.

committed by the native chieftain, Yussuf, serving under French command.⁶⁶ Mauguin and other militarist members called this an insult to the army,⁶⁷ and it required all of Dupin's skill and authority as presiding officer to maintain a semblance of decorum. Guizot rose at this juncture and announced that he was opposed to the reductions proposed by the committee. But after thanking Dupin for insisting on freedom of discussion, he protested that the army was a proper subject for parliamentary consideration. Furthermore, while he was not in favor of withdrawal to a few places on the coast of Algiers, nevertheless, as between a policy of bellicose aggression and ruthless extension of French domination and a moderate, pacific program of defense of the territory already controlled, he was emphatically for the latter. Taking care to define his position as one of agreement with that of the President of the Council, he declared that it would nevertheless be easy for the Government to be impelled into aggressive policy; the Chamber should realize its responsibility to warn and restrain the executive rather than to urge it down the perilous slope of conquest.⁶⁸

Excitement and disorder prevented Thiers from speaking for several moments; when he obtained a hearing, his irritation and resentment were scarcely concealed. None in the Chamber, he said, had a better right to counsel the Government than the last speaker, but—counsels should be clear . . . "Between the intelligence of my former colleague and my own, I am ready to condemn my own. I do not understand the advice. I should not have taken the floor had not so considerable a discourse issued from the lips of the honorable M. Guizot . . ." But, he went on, his complaint was not of that discourse, but of the imprudent words spoken by those whom M. Guizot had "rebuked" for their attitude on Algiers (i.e., the Doctrinaires on the committee); the "lesson" came better from M. Guizot than from himself, and he wished to thank him. No, the French nation would not follow a policy that would make withdrawal logical . . . "we shall remain and we shall act as sovereign civilizers." He proceeded then

⁶⁶10 June. *Archives parl.*, CV, 209 ff.

⁶⁷*Ibid.*, p. 211.

⁶⁸*Ibid.*, pp. 222 ff.

to a glorification of conquest in the true spirit of the Napoleonic tradition. In the discussion, he averred, he had noted with sorrow that there were those in the Chamber who in questioning the wisdom of the commander in Algiers "counted the dead."⁶⁸ Austerlitz and Wagram cost many lives, but at those names all French hearts beat high! But European war had given place to war against uncivilized peoples, and the new path of glory that was opened before France was to create a new people, Franco-African, who would some day understand French law and civilization. "That object we shall seek with peaceful means when war is not necessary, with war and peace when both are necessary."⁶⁹

The record has it that this elicited "universal and reiterated signs of approbation." The Chamber which had not been quite willing to have Duvergier and Desjobert silenced as unpatriotic for questioning Clauzel and denouncing Yussuf, could not resist Thiers's invocation of *la gloire*. But there was yet attention for Guizot when he arose to say with dignity that he did not claim the right to give "lessons" to anyone but only to speak his frank opinion.⁷¹ As for Duvergier and the others who had apprised the Chamber of great evils, whether or not some of their words had been indiscreet, he wished to thank them, for the honor of the country, for everything they had said. Then he recalled to his audience the instance of William Pitt's grave rebuke to those members of the Commons who had tried in a discussion of the slave-trade to silence a speaker for denouncing atrocities committed by Englishmen against negroes.

⁶⁸Cf. Doudan's account of Thiers's animation on the subject of the benefits of war when dining at Broglie's in April, 1840, cited Rémusat, *Thiers*, pp. 63, 64. Rémusat also tells a story of a conversation in the Council during the days of the cabinet of 11 October: "Algeria," said Guizot, "is a school of patience." "A school of war!" said Thiers. "Enfin, a school," said Broglie—*Ibid.*, p. 65.

⁶⁹*Archives parl.*, CV, 225 ff.

⁷¹His opinion on the subject was not indeed formulated for this occasion, for in the Chamber a year before when Passy, of the Third Party, argued against African colonization and conquest, Guizot explained the position of the ministry on the Algerian possessions and the reasons for defending them, and then presented a plea for a moderate, unaggressive policy similar to the one recounted above. He also thanked Passy for his

III

As the time drew near for the Deputies to adjourn for the summer, Thiers's situation appeared excellent.⁷² His skill had proved equal to the task of holding in abeyance the differences of opinion of those who supported, or at least tolerated, his leadership. "The former majority, as it becomes reassured, draws nearer to the ministry, whose able chief spares no pains to rally all his former friends," wrote Molé to Barante, adding, "Guizot remains *considérable et considéré*, but he is forced to recognize that only the errors of his adversary could make him possible again."⁷³ "The session closes marvellously for Thiers, who has increased his reputation even as an orator," reported Decazes.⁷⁴ And the chief minister himself, late in June, declared with some complacency to Barante that the session had gone very well indeed—"better than any I ever went through."⁷⁵ Guizot informed his friends at Broglie that Thiers had shown "*talent, savoir faire*, and moderation" in the last month of the session; but he added that the ministerial combination had weakened, Passy and Sauzet having threatened to retire.⁷⁶ "Our men depart few and discouraged enough," he wrote as the Chamber dispersed.⁷⁷

Thiers had indeed found his new friends somewhat exigent in the matter of appointments, but he had refused to allow any of the functionaries who had been loyal to the last cabinet to be replaced.⁷⁸ There had been rumors of a desire on his part for a renewal of the alliance with Guizot. Decazes wrote that Thiers had expressed admiration for Barante, Broglie, and Duchâtel,

"courageous sincerity" and declared that he had rendered a moral service to his country. (20 May, 1835, *Archives parl.*, XCVI, 251 ff.) In June, 1836, Passy was a member of the Government, and left it to the Doctrinaires to question the wisdom and morality of imperialism.

⁷²Some useful laws had been passed, most of them initiated or planned by the preceding ministry. See Thureau-Dangu, *op. cit.*, III, 29 ff.

⁷³13 June, 1836, *Souvenirs de Barante*, V, 404

⁷⁴To Barante, 16 June, *ibid.*, p. 410.

⁷⁵30 June, *ibid.*, p. 416.

⁷⁶18 June, *Lettres de M. Guizot*, p. 159.

⁷⁷*Ibid.*, p. 160.

⁷⁸Decazes to Barante, 16 June, *Souvenirs de Barante*, V, 410. The demands of the Third Party are suggested in the *Constitutionnel* for 18 June, 1836.

and was far from disposed "to repel a reconciliation with Guizot."⁷⁸ Barante was more than willing for such a turn of events. "Nothing is more plainly indicated for the good and the dignity of the country than a coalition between M. Thiers and M. Guizot," he wrote to his brother-in-law late in June, adding, "It does not appear, alas, that it is possible."⁷⁹ This lament may well have been inspired by a letter from Guizot himself written a fortnight earlier, the tone of which gave little hope for reconciliation.⁸¹ It expressed a doubt of Thiers's good will toward the Doctrinaires, and even toward Barante himself. It declared the writer's resolve to enter no ministerial combination unless it suited him entirely. Particularly significant are the following passages: "During the session the condition of the cabinet has been one of mere existence: between the Left and us . . . it could live, but not act, for every action compromised it with one or the other of its indispensable allies. The session over, the ministry is going to find itself alone in facing the newspapers and the new friends who will claim the price of their services. It will have to pay, . . . it will bargain, will want to give the least possible, bad humor will follow, the differences between M. Thiers and M. Montalivet will increase, and the months will pass in such obscure vain struggles without leading to a result, unless some external event, some great necessity, comes to save the Government from embarrassment by forcing everybody to rally [to its support] . . . I do not see whence would come such an event but if I be not greatly deceived, M. Thiers seeks it and would risk much to obtain it. He was for a moment very much excited about Africa . . . I am persuaded that he has not renounced intervention in Spain, and that secretly he works to render it necessary. In the present state of affairs, the Chamber would not want it any more than the King does . . . A tranquil policy . . . does not suit M. Thiers . . . He must have adventures. If he gets them they may ruin him in a few hours . . .

⁷⁸*Souvenirs de Barante*, V, 410. According to an earlier letter of Decazes's, Guizot had complained that Thiers had thought of persuading Broglie to enter the cabinet alone. To Barante, 12 May, *ibid.*, p. 376.

⁷⁹29 June, *ibid.*, p. 416.

⁸¹14 June, *ibid.*, pp. 406-409.

" . . . The longer I live, the more I am persuaded that order, true order, the solid reconstruction of society, is not only the need, but the inclination of the country . . . And the interest of public liberty is there, as well as that of public repose. I shall establish myself, then, more and more under this standard. I wish to be more conservative and more liberal than anyone else⁸²—I shall combat more boldly every day the survivals of the revolutionary régime and the relics of the imperial régime; worn-out fripperies both which have had their day and which now degrade whoever decks himself out in them."

Thiers's suspected designs for intervention in Spain—did not Guizot have them in mind when he wrote "survivals of the revolutionary régime"? And the glorification of war and conquest in the recent discussion of Algerian policy—was it not a "relic of the imperial régime"? In the months since the dissolution of the "triumvirate," Guizot had given much thought to his own future course. He did not share Barante's and Broglie's conviction that reunion with Thiers was necessary for the safety of the constitutional monarchy. Like his rival he felt confident in his own ability for leadership, and he had found the ground on which he felt secure.

That he had felt keenly the strain of a situation in which his own pride and the counsels of his sager friends prescribed an attitude made difficult to maintain by the less discreet conduct of the younger Doctrinaires and his loyalty to them, is suggested by a letter he wrote to Mme. de Broglie in the last fatiguing days of the session, expressing his longing for the peace of her house, which he hoped to reach early in July. There he counted on finding freedom "to come and go, to think, to write, to talk . . . without design or thought of effect."⁸³ In that same long letter to Barante of 14 June⁸⁴ he wrote of domestic affairs as well as of politics. His children were well, Henriette, the elder of the

⁸²A striking parallel to this idea appears in a letter which Alexis de Tocqueville wrote 24 July, 1836, to M. Stoffels: he wanted to be a "liberal of a new kind," loving liberty first but also order, law, morality, and religion.—*Memoir and Remains*, I, 380.

⁸³3 June, 1836, *Lettres*, p. 157.

⁸⁴Cited above, n. 81.

small daughters, growing so much like her mother that he was afraid to let himself become too much attached to her; François was completing his study of law at Paris and working very hard, so that he did not expect to get away from the city until late in the summer. Guizot's own plans were to take his mother and the small children to Broglie and leave them there under the affectionate eye of the mistress of the house while he journeyed through Normandy and perhaps into Brittany "for pure curiosity"; then he would return to Broglie for the rest of the summer to write his discourse for the French Academy, to which he had been elected in the spring to succeed M. de Tracy.

But his plans were altered by the rapid march of events. The pleasure trip may have been made, and in early August, he may have worked on his discourse in peace and quiet, but by the tenth we find him at Lisieux whither he had journeyed in one of the Broglie calashes for a political banquet tendered him by his constituents.⁸⁵ A few days later came letters from Paris apprising him of the imminent fall of Thiers, then others with news of the *fait accompli* and urging him to repair to the capital.

Up to mid-summer, Thiers's conduct of foreign affairs had won even greater approbation than had his management of the Chamber. In line with Talleyrand's advice and with the royal desire, he took an independent tone toward England,⁸⁶ turned his back on his earlier idea of intervention in favor of the Spanish Liberals, and courted the absolute monarchies, especially Austria;⁸⁷

⁸⁵Letter to his mother 10 Aug., *Lettres de M. Guizot*, p. 168; *Mémoires*, IV, 125.

⁸⁶See his announcement of policy to Barante, letter 29 Feb., 1836, *Souvenirs de Barante*, V, 311-313. A few weeks later he wrote: "I am partisan of the English alliance, but without exclusiveness. We must not place ourselves in two camps, the one composed of the three courts of the North, the other of the two maritime powers"—*Ibid.*, p. 340.

⁸⁷"It is a curious fact that a ministry in favor with the Left in the French Chamber was welcomed by the Chancelleries of the absolute monarchies as preferable to the Doctrinaires. Metternich "hated the Doctrinaires, finding their mixture of German philosophy and English theories worse than radicalism."—Hillebrand, *op. cit.*, I, 590. Werther, the Prussian envoy, thought the Doctrinaires "almost Republicans" in their theory of the King's place in the government. *Notes inédites de Duvergier de Hauranne*, cited Thureau-Dangin, *op. cit.*, III, 53.

but all at first with a skill and moderation that was reassuring to those who had distrusted his inexperience and ambition.⁸⁹ His advances having been well received,⁹⁰ he threw himself with ardor and confidence into the project for obtaining the hand of an archduchess of Austria for the Duke of Orleans. In May the handsome young heir to the throne was dispatched with his brother Nemours to Berlin and Vienna to see and be seen; they made an excellent impression at both courts. But late in June the Alibaud attempt to assassinate Louis-Philippe startled Europe, and seems to have given the death-blow to any chance that the Hapsburgs would allow one of the family to cast her lot with that of an Orleanist prince.

With the definitive failure of the marriage project, the "diplomatic honeymoon"⁹¹ came to an end. "Thiers"—said Louis-Philippe later—"was excellent until the rupture of the marriage project; after that he lost his head."⁹² Before the final break, in fact, when he foresaw its probability, he returned to his old idea of intervention in Spain in the interests of the Liberals, and as a means of reinstatement in the good graces of Great Britain.⁹³ The King, embarrassed by his minister's change of front, made a concession in assenting to the enrollment of several thousand French troops in the service of the Spanish queen, but refused to budge further. Thiers was determined too, even, apparently, to the point of entertaining for a moment ideas of revolutionary

⁸⁹Decazes to Barante, 12 May, 1836, *Souvenirs de Barante*, V, 376. Barante to Anisson du Perion, 21 May, *ibid.*, p. 389. In his treatment of the Swiss Liberals, however, to whom Broglie had been persistently friendly in spite of the disapproval of the Powers, Thiers was so high-handed that Metternich, not doubtless without delicate malice, deprecated his harshness. See Thiers's letter to Barante, 15 Aug., 1836. *Ibid.*, p. 454.

⁹⁰The French envoys at the courts of the Holy Alliance, all old friends of Broglie and Guizot, found their position so much easier and more agreeable after a few weeks of Thiers that they were soon all singing his praises.—Sainte-Aulaire to Barante, 3 April, *ibid.*, p. 332; Bresson to Barante, 20 April, *ibid.*, p. 344; Barante to Anisson du Perion, 21 May and 29 June, *ibid.*, pp. 389, 416; Sainte-Aulaire to Barante, 20 July, *ibid.*, p. 444.

⁹¹Guizot's phrase, *Mémoires*, IV, 142.

⁹²Dispatch of Werther, 3 Sept., 1836, cited Hillebrand, *op. cit.*, I, 591.

⁹³Blanc, *op. cit.*, II, 431; Guizot, *Mémoires*, IV, 146 ff.

measures if the monarch remained stubborn.⁹³ He gave the Spanish government to understand that the foreign legion was but the advance-guard of an army destined to come speedily to the Queen's aid. The King, learning this, was deeply stirred, and demanded that the troops, assembled without much regard for his original stipulation that they should be a foreign legion, be dispersed; he told his minister that he would not yield even though a majority should be aroused against him.⁹⁴ Thiers could not be persuaded to give up intervention and continue in office; but whatever velleities of appeal to force he may have had in anticipation of the crisis, when the deadlock came, he simply resigned. He was supported by all his cabinet save Montalivet, the King's personal friend. The resignations were put in Louis-Philippe's hand on 18 August,⁹⁵ and political circles were set agog with talk of possible combinations.⁹⁶

IV

"His name, his social position, his experience in the great posts of the Government under the Empire and under the Restoration, his personal merit, the prudence and charm of his conversation, his manner at once dignified and gentle, rendered him an important figure in the party of order and seemed to designate him for the conduct of foreign affairs. He was ambitious and he had a right to be."⁹⁷

With this description of Molé, Guizot introduces his account of their unhappy alliance. Then he proceeds to quote Bertin de Vaux of the *Journal des Débats* as having once said to him: "No one surpasses M. Molé in *la grande intrigue politique*; he is full of activity, of foresight . . . of discreet attention to persons, of *savoir faire* with propriety and without commotion. It is a pleasure to be associated with him." And, laughing: "More pleasure than security."

⁹³Thiers to Sainte-Anlaire, late July or early August, cited Thureau-Dangin, *op cit*, III, 102.

⁹⁴*Ibid*, pp. 104 ff.

⁹⁵Molé to Guizot, 18 Aug., Guizot, *Mémoires*, IV, 168.

⁹⁶Molé to Barante, 21 Aug., *Souvenirs de Barante*, V, 457.

⁹⁷Guizot, *Mémoires*, IV, 168-169.

From the time of Guizot's entry into the social and political world he had known Molé. Both frequented Mme. de Rémusat's salon in the latter years of the Empire.⁹⁸ But the minister of Napoleon treated the young liberal coldly,⁹⁹ and it is recorded by the editor of Molé's *Mémoires* that Pauline de Meulan, before her marriage to Guizot, wrote very disparagingly of the *Essais de morale et de politique* which brought their author new favor with the Emperor.¹⁰⁰ After 1814 there are in the older man's journal recurrent allusions to Guizot as a rising force and a man to be reckoned with. When he and Barante were carrying the burden of Pasquier's two administrative departments, Molé comments on that fact and adds that the two secretaries were superior to their chief in information but lacked a certain judgment and tact which made Pasquier the "ministerial personage" neither of them could ever be.¹⁰¹ But Guizot was superior to Barante.¹⁰² There are scornful references to Pasquier's and Decazes's dependence on Guizot's dialectic and literary abilities.¹⁰³

Trained in the school of the Empire, Molé believed in "strong government," distrusted liberal thought, and was contemptuous of programs of progress. When Royer-Collard, Guizot, and Barante influenced Decazes to oppose his opinion on the projected electoral law, it is clear that he began to fear and scorn the Doctrinaires but thought them necessary instruments of what he believed to be the task of the Restoration.¹⁰⁴ They, on their part (according to him) while they grouped themselves around Decazes and Pasquier—Guizot expecting high reward from the latter as the price of his counsel and service—nevertheless understood Decazes's measure and scarcely concealed their disdain

⁹⁸Sainte-Beuve, *Portraits of Celebrated Women*, p. 271.

⁹⁹Guizot, *Mémoires*, IV, 169.

¹⁰⁰*Mémoires du Comte Molé*, I, 39.

¹⁰¹*Ibid.*, p. 385. Molé used his journal in writing his *Mémoires*; many of his references to Guizot are clearly from the journal.

¹⁰²*Ibid.*, p. 295. When Pasquier called Royer-Collard, Guizot, Barante, and Molé into conference on the election law, only Royer-Collard, Guizot, and Molé understood the problem!—*Ibid.*, pp. 304-305.

¹⁰³*Ibid.*, II, 45, 57, 60; IV, 87, 238.

¹⁰⁴*Ibid.*, p. 329.

for Pasquier; Molé himself they sought as "worthy to receive the light and perhaps even to become their chief when they should be in a position to apply their system and distribute power."¹⁰⁵ Writing of the weekly gathering of the group around Pasquier's board, he says: "I had a great vogue among them, and whenever I found myself in Paris on Friday, I went to sit at that learned feast."¹⁰⁶ By 1817 he had instituted his own "little Wednesday dinners" for the Doctrinaires.¹⁰⁷ Guizot's remarkable work as Decazes's lieutenant is amply recognized, but Molé distrusted and detested the equalitarian tendencies which would if triumphant have given France "the government of the United States."¹⁰⁸ The notable triumphs won by Saint-Cyr with Guizot's speeches impressed him as striking evidence of the ability of both,¹⁰⁹ but he found it worthy of sarcastic note that the man who had made the trip to Ghent should put himself at the head of the liberal party!¹¹⁰ Certain of Guizot's articles in the *Annales Politiques* on the menace of militarism he declares unsurpassed in judiciousness, but since "a good Doctrinaire never stoops to please or amuse," the author has only made himself an object of horror to those whose support he wanted.¹¹¹ He is nevertheless, somewhat later, pronounced by far the most able of the Doctrinaires.¹¹² For their reforming zeal Molé had scant tolerance. Their projects of 1819, including jury reform, introduction of the elective principle into local administration, and reduction of the age qualification for deputies, he declares to bear the *marque utopiste* of all that is Doctrinaire: seductive theories all, but inapplicable in practice. Molé himself advocates not the "absolute best, but the relative best. One does not govern, nor administer, otherwise."¹¹³

Whatever may have been the cordiality of the Wednesday dinners, and in spite of the host's charm and ability to dissemble

¹⁰⁵ *Mémoires du Comte Molé*, III, 76.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, p. 147.

¹⁰⁸ *Ibid.*, II, 79-80; 109-110.

¹⁰⁹ *Ibid.*, pp. 167, 225.

¹¹⁰ *Ibid.*, p. 168.

¹¹¹ *Ibid.*, III, 246.

¹¹² *Ibid.*, p. 440.

¹¹³ *Ibid.*, IV, 302; I, 305.

his real feeling, there was probably never any real confidence between him and the Doctrinaires as a group, although Barante, whom he thought rather stupid, was his lifelong friend and *confidant*, and Mme. de Broglie, who like most women¹¹⁴ found him attractive and wanted to trust him, found his conversation and manner reassuring even when on her guard against placing too much confidence in him.¹¹⁵ We have Guizot's testimony that he and Molé were never real friends,¹¹⁶ and certainly in the mingled admiration and distrust which the latter felt for the Doctrinaires, Molé's journal shows a particularity of both feelings for Guizot. After 1818 if not before, the distrust was mutual; the Doctrinaires felt that Molé had betrayed the liberal cause, and he that they were profoundly unjust to him.¹¹⁷

The Revolution of 1830 brought the two men closer together in thought and action. As minister of Foreign Affairs in the first Orleanist cabinet, Molé, although not on good terms with Talleyrand,¹¹⁸ served ably the cause of the *Juste Milieu* between absolutism and revolution in Europe. When party divisions developed, he found himself naturally in the party of resistance. He was, however, too shrewd to imagine that republican tendencies could be ignored; unlike Guizot, he preferred to circumvent them rather than to fight them. Perhaps, he said in 1833 in a personal letter, the only way was to disguise "reasonable" institutions under republican names: "I should prefer a monarchic re-

¹¹⁴In 1832 Mme. de Dino wrote thus of Molé in an intimate letter: "So distinguished in mind, language, manners, face, he has always exercised so real a fascination for me . . . that all that his character leaves to be desired in the way of force, simplicity, and perhaps even in uprightness (*droiture*) has never destroyed the liking I have for him."—To Barante, 17 Oct., 1832, *Souvenirs de Barante*, V, 33. Cf. Madame de Rémusat to her husband, 18 Aug., 1819, *Correspondance*, VI, 76.

¹¹⁵To Mme. Anisson du Perron, 22 Feb., 1821, *Lettres de la Duchesse de Broglie*, p. 36; to Mme. de Castellane, 30 Dec., 1820, *ibid.*, p. 78.

¹¹⁶*Mémoires*, IV, 169.

¹¹⁷See Mme. de Rémusat to her husband 30 June, 8 July, 1819, *Correspondance*, VI, pp. 34, 36; and Molé's letters to Barante, 1834-1837, many of which are cited below, from the *Souvenirs de Barante*, V and VI. See especially the letter of 20 Aug., 1837.

¹¹⁸Molé to Talleyrand, 4 Oct., 1830, Talleyrand, *Mémoires*, III, 452; Talleyrand to Mme. Adelaide, 7 Oct., *ibid.*, pp. 453, 454; Talleyrand to Molé 8 Oct., *ibid.*, pp. 344, 345.

public to a republican monarchy."¹¹⁹ As a member of the Peers and not closely identified with any group in the Chamber, he supported the cabinet of 11 October with many mental reservations, which he expressed freely in his letters to Barante. Early in 1833, when the Government had embarked upon its legislative program, he wrote sneeringly of ministers who thought themselves *hommes nécessaires*, and declared that "the type of mind which has wished to regenerate France for eighteen years is giving itself free course."¹²⁰ In November he grumbled about the democratic tendencies of the new law on local administration:¹²¹ "Yet another little victory of principles, lower the franchise a little for the election of deputies, and the American Republic arrives . . . and opens the way to that of Baboeuf . . . We have reached the aristocracy of Bouchard;¹²² if the wise theoreticians can preserve us from an aristocracy of street-porters, well and good!"¹²³ In the spring of 1834 he declared the ministry to be the most divided and impotent that ever was.¹²⁴ Barante, who was loyal to Molé, and whose letters testify to real affection for him, nevertheless ascribed this disgruntled attitude to disappointed ambition.¹²⁵ In the early months of 1834 Molé, foreseeing the probability of Broglie's retirement and exaggerating the lack of unity in the cabinet, indulged himself with some confidence in the hope of being offered again the portfolio he had held in the first ministry. His chagrin was keen when Guizot shut him out, and he complained bitterly, especially of Broglie, concerning whom he declared he had returned to "those first impressions which have so rarely deceived me."¹²⁶

¹¹⁹To Barante, 3 March, 1833, *Souvenirs de Barante*, V, 52.

¹²⁰Letters of 4 and 10 Feb., *ibid.*, pp. 48, 50.

¹²¹In the accomplishment of which Doctrinaire reform, Barante had had his share. *Ibid.*, p. 64, editor's note.

¹²²A *petit bourgeois* who had just defeated Molé for the office of councillor-general of the *arrondissement*.

¹²³10 Nov., *ibid.*, p. 90.

¹²⁴9 March, *ibid.*, p. 103.

¹²⁵Letter to his sister, Mme. Anisson du Perron, 25 Jan., 1834, *ibid.*, pp. 98-99.

¹²⁶To Barante 18 April, 1834, *ibid.*, p. 114. In spite of Molé's general support of the policy of resistance, Guizot and Broglie were displeased with his attitude in the trial of the insurgents of 1834, and distrusted his

In the fall of 1834, after the resignation of Thiers and Guizot, the King asked him to form a cabinet. Molé had no confidence in the Third Party and limited his efforts to an attempt to reconstitute substantially the old cabinet. Not succeeding in this, he declined to try further.¹²⁷ In February, 1835, he refused to head a Third-Party ministry.¹²⁸ It is significant that in 1835, after the Fieschi attentat, when the Doctrinaire ministers compromised with their ideals on the liberty of the press, Guizot records in the *Mémoires*¹²⁹ that his relations with Molé became more friendly; and still more significant, perhaps, that after the fall of the cabinet in February, 1836, when Broglie's reentrance was out of the question for a long time, and Thiers had swung to the Third Party, Molé, who had in the course of the crisis refused again to form a new combination,¹³⁰ sought further *rapprochement* with Guizot.¹³¹ However just or unjust may be the suggestion that Broglie's disappearance from the field of availability had something to do with Molé's attitude, Mme. de Broglie felt no suspicion. She described his conduct at the time of the crisis as so simple and dignified that it had brought him nearer to those from whom he had been "only accidentally estranged."¹³² At the same time, Bresson wrote from Berlin to Barante as follows: "I believe (but I beg of you the greatest secrecy) that already there exists an *entente* if not express, at least tacit, between MM. Molé, Guizot, and Duchâtel to produce a cabinet and publish it in the

tendency to support a foreign policy of *rapprochement* with the continental courts. Broglie to Guizot, 12 Sept., 1836, Val Richer, *Correspondance*; Molé to Barante, 18 April, 1834, just cited. Cf. Mme. Adelaide to Talleyrand, 4 April, 1834, Talleyrand, *Mémoires*, V, 230.

¹²⁷Guizot, *Mémoires*, III, 269-270; Barante, *Vie politique de Royer-Colard*, II, 488

¹²⁸For both 1834 and 1835, Molé to Barante, 22 Feb., 1836, *Souvenirs de Barante*, V, 298. This refusal signifies no tenderness for the Doctrinaires. Mme. de Dino, probably not without some exaggeration, recorded in her journal 3 January, 1835, after a conversation with Molé, that he showed a "terrible hatred of the Doctrinaires." (*Memoirs of the Duchesse de Dino*, I, 225.)

¹²⁹IV, 170.

¹³⁰*Ibid.*, III, 334; Molé to Barante, cited n. 128.

¹³¹Mme. de Castellane, a close friend of Molé, brought them together in her salon. Guizot, *Mémoires*, IV, 170.

¹³²Letter to Barante, 9 March, 1836, *Souvenirs de Barante*, V, 322.

Moniteur on the day after the fall of the present one. The most devoted friends of Broglie realize that he is impossible for a long time."¹⁸³ Bresson said later that Molé was his informant;¹⁸⁴ and the latter, in a letter to Barante in the fall of 1836, spoke of "engagements" Guizot had made in the previous winter.¹⁸⁵ On the other hand Guizot denies formally having been a party to any engagement in advance.¹⁸⁶ On a question of veracity, as between the two men, it would be difficult to refuse the benefit of the doubt to Guizot. The explanation may lie in the difference between *tacit* and *express*. Guizot says that he and Molé found themselves in agreement on the situation after the defeat of the cabinet in February,¹⁸⁷ and in the long letter to Barante in June in which he showed himself so coldly critical of Thiers, he remarked that he would not go into any ministerial combination unless it suited him.¹⁸⁸ His political position as he then described it was one to which Molé would have given hearty assent in their conversations, albeit with unspoken reservations on the liberalism which Guizot wished to combine with his conservatism.

Whatever success Molé had in winning the confidence of the Broglies and Guizot—and he had great gifts to aid him in that sort of endeavor—and whatever the nature of the understanding that was established between him and Guizot, the letters to Barante continue to furnish evidence of an essentially unchanged attitude toward the Doctrinaire leaders. In May, when Thiers's success seemed assured, Molé wrote of the lessons "those who believed themselves necessary" were receiving.¹⁸⁹ And after the close of the parliamentary session, in a letter commenting on the political situation, we find this survival of the bitterness of 1834: "My public career was broken in the middle of its course by the egoism and pettiness of your friends. Thank heaven, the anger and spite to which they surrender themselves shall not take possession of me. I have cause to complain of everybody, but the

¹⁸³7 March, 1836, *Souvenirs de Barante*, V, 317.

¹⁸⁴Thureau-Dangin, *op. cit.*, III, 115.

¹⁸⁵2 October, *Souvenirs de Barante*, V, 478.

¹⁸⁶*Mémoires*, IV, 168.

¹⁸⁷*Ibid.*, p. 171.

¹⁸⁸14 June, *Souvenirs de Barante*, V, 406.

¹⁸⁹10 May, 1836, *ibid.*, p. 375.

behavior of Thiers toward me will no more make me Doctrinaire than theirs has made me Third Party."¹⁴⁰

Toward the middle of August, when the well-informed part of the political world guessed that the King and Thiers were nearing a break, Molé asked Guizot to come to see him. The latter, at Broglie, having resolved to hold aloof from any appearance of intriguing to hasten the crisis, declined the invitation, and shortly thereafter received a letter dated 18 August at Acosta which he quotes in his *Mémoires*.¹⁴¹ "I arrive here"—wrote Molé—"and find your reply to me. I should be most unhappy to cause you the least inconvenience You know, doubtless, that all the resignations have been given and accepted today" Writing to Barante three days later, he complained that intrigues and personal ambitions were compromising everything—that is, apparently, the success of his plans—and that "Your old friends are not the least culpable."¹⁴² Just what he meant is not clear, but Molé's letters so abound in vagueness on such matters that it is possible that his grievance was grounded in Guizot's reluctance to hasten to Paris, and in the suspicion that some of the Doctrinaire group were advising him to proceed cautiously. Still in Normandy when on 26 August the resignation of the Thiers cabinet was published in the *Moniteur*, Guizot received communications of that date from Bertin de Vaux¹⁴³ and from Molé, both urging his presence at Paris. "You comprehend now," wrote the latter, "the reasons that made me wish to see you. I received that night, at Acosta, a letter from the King which urged me to come to him. I have seen him and I have told him my

¹⁴⁰4 July, 1836, *ibid.*, p. 375.

¹⁴¹IV, 168

¹⁴²21 Aug., *Souvenirs de Barante*, V, 457.

¹⁴³Who wrote as follows: "My dear friend, I have sent you word several times by your son, and once by your friend, *M. le duc de Broglie*, not to come to Paris; the destiny of M. Thiers was then uncertain, and I did not wish that M. Thiers, or anybody else, should be able to say that you had come to precipitate his fall. Today the *Moniteur* has spoken; your line of conduct must needs be changed; your presence now is desirable; it is even necessary, for in circumstances so critical, the moments are precious. Hasten then to return. Be sure that I am as careful of your reputation as of my own and that I counsel you to do only what I should do myself."—Guizot, *Mémoires*, IV, 171-72.

desire to come to an understanding with you before going farther. The moments are precious. I hope that you will agree with me."¹⁴⁴

Once in Paris, Guizot found himself torn by conflicting considerations—urged on the one hand with flattering insistence by the King, who declared his need urgent,¹⁴⁵ by his conviction that Thiers's defeated chauvinism would make trouble for any but a strong ministry, by most of his friends,¹⁴⁶ and by his own inclination and confidence; and deterred on the other by the advice of Duvergier de Hauranne and by the thought of seeming to abandon Broglie for Molé. If he had come to Paris with any notion of being able to include his friend in a combination,¹⁴⁷ he must speedily have realized that it would be impossible to offer him a portfolio he would accept. Keenly hurt by the King's failure even to consult him in the crisis,¹⁴⁸ Broglie adjured Guizot to take no account of him in the discussion of combinations; he declared that his retirement would make things easier, and that the opportunity was one that must not be allowed to slip. He gave further advice which was generous and sound, but difficult to follow. He urged Guizot to insist on the presidency for himself: "however it may be, you will have the responsibility; you must have the direction. A ministry which has two presidents, the one in name, the other in fact, has really none. Such a condition were a dissolvent inevitable and speedy."¹⁴⁹

But the *Moniteur* of 6 September announced Molé as minister for Foreign Affairs and president of the Council, Duchâtel minister of Finance, and Guizot at his old post of Public Instruction. "For it pleased this proud man to rule the cabinet in a secondary

¹⁴⁴Guizot, *Mémoires*, IV, 172. The original of this letter and that of 18 August are in the archives of Val Richer.

¹⁴⁵*Ibid.*; Blanc, *op. cit.*, II, 448.

¹⁴⁶Guizot, *Mémoires*, pp. 173-174.

¹⁴⁷Broglie to Guizot, 12 Sept., 1836, cited above, n. 126.

¹⁴⁸*Ibid.*

¹⁴⁹Broglie to Guizot dated simply "August, 1836," Val Richer, *Correspondance*. Duvergier recorded his opinion that the Doctrinaires were too eager to return to power; Broglie was an obstacle and they rid themselves of him: "when a party possesses such a diamond it is inexcusable to cast it into the sea for a few flaws." *Notes inédites* cited Thureau-Dangin, *op. cit.*, III, 117.

position," explains Louis Blanc.¹⁵⁰ The truth is rather that his distress at leaving Broglie made it easier to take office thus than if his entrance had been the occasion for personal advancement; he shrank also from any "imitation" of Thiers's surrender to ambition in the previous crisis.¹⁵¹ But he demanded that one of his friends, Gasparin, should be made minister of the Interior, with Charles de Rémusat as under-secretary.¹⁵² Molé and the King had agreed upon Montalivet for the Interior; Guizot offered him the portfolio of Public Works instead, but Montalivet refused it. Thus the King's particular friend was left out of the combination, although he had been active in the negotiations.¹⁵³

On the morrow of the announcement of the cabinet, Mme. de Broglie wrote a note to Duchâtel wishing the Government well and assuring him that she knew they regretted Victor's absence, but that he was very happy to be out of it.¹⁵⁴ A letter to Guizot is more revealing. She began it by asking him to correct if possible an idea of Mme. de Castellane's that she (Mme. de Broglie) would feel chagrin at Victor's not being in the ministry. She suggested that he use the letters he had from Victor to prove the absurdity of such a notion. Not that it mattered much (about Mme. de Castellane) but she wanted to be entirely sure that there was no misunderstanding on his part, "because, with your nature, and your inability to endure that your friends be unhappy, it might influence your conduct." She declared that she *would* have been wounded had the combination once mentioned at Broglie been suggested (by Guizot, apparently) for she did not think Victor could have accepted a second place. She regarded it as a great happiness that circumstances should remove him entirely from affairs, but she must confess to some annoyance that everybody seemed to have forgotten what he had done for the country; she would feel not merely annoyance but serious grief

¹⁵⁰*Op cit.*, II, 453.

¹⁵¹Letter to Broglie 1 Sept., 1836, Val Richer, *Correspondance*.

¹⁵²Guizot wrote to Broglie that he hoped by putting Rémusat into office to induce a change of attitude in that "*amateur blasé*"—17 Sept., 1836, Val Richer, *Correspondance*.

¹⁵³Thureau-Dangin, *op cit.*, III, 120-121.

¹⁵⁴*Lettres de la Duchesse de Broglie*, p. 237.

if anyone should try to draw him into the turmoil again. "I hope God will let you do much good; you have done an immense amount of it already." . . . There *were* things about political alliances she couldn't understand or approve . . . As to the present situation, "I do not claim that we should speak the whole truth to each other, but I do hope . . . that we may never listen to, or say, the one of the other, what we would not say the one to the other; but if . . . it should not always be so . . . [I hope] . . . we shall keep as near to perfect sincerity as is possible in a world of lies. Do not answer me, give yourself no trouble for me. I have no need of it to know that you love me. Leave me your mother and your children as long as possible. *Milles tendresses*."¹⁵⁵

Another intimate letter, a fortnight later, to a recent member of her household, leaves no doubt that whatever may have been Broglie's indifference to his own political fortunes, his wife resented for him the readiness of the Doctrinaires to dispense with his leadership, and, in spite of her resolves, it contains a passage which must have distressed Guizot deeply had it fallen under his eye: "There is no reason to complain that M. Guizot entered the ministry, but only that his particular friends pay him compliments which seem to annul Victor and forget him completely. I do not know what Victor would have done, but it would have been otherwise with the rôles reversed, for Victor's nature is different."¹⁵⁶

Broglie himself, after expressing his disapproval of his friend's acceptance of a secondary place in the new Government, promptly took the attitude of an independent observer. "It is a different thing for me, you understand, a cabinet formed by M. Molé and in which you accept a post on such and such conditions: I cannot be for the latter what I should probably have been for the former (i.e., a Guizot cabinet) . . . The position that I shall take will be entirely friendly, but I am forced to reserve my free will and frankness of speech."¹⁵⁷ A few weeks later, his wife informed Barante that Victor was offending no one and "avoid-

¹⁵⁵7 Sept., 1836. *Lettres de la Duchesse de Broglie*, pp. 238-240.

¹⁵⁶To Mlle. Pomaret, *ibid.*, p. 243.

¹⁵⁷Letter cited above, n. 147.

ing all solidarity."¹⁵⁸ Doudan assured Mme. d'Haussonville¹⁵⁹ shortly thereafter that her mother's salon was so crowded that one would hardly believe her father to be *en disgrâce*, and that the freedom of conversation was a great compensation for not being minister.¹⁶⁰ They continued cordial relations with Thiers, for they were still deeply concerned lest the breach between the leaders of the Right and Left Centers become irreparable. But if Thiers thought to make a political alliance with Broglie excluding Guizot,¹⁶¹ he greatly miscalculated the strength of the tie between the two friends.

Meanwhile the new Government had taken up the tasks of administration, the Minister of Public Instruction with no thought of playing a secondary rôle in the direction of its policies. His friends had assumed from the first that he would be the real head of the ministry: Broglie, to be sure, had warned him of the shoals ahead: "there is something bizarre about this cabinet," he had written after the announcement of the portfolios: "Why the principal person who furnishes the bond and the force, in the last place? . . . You will have the responsibility . . . you must have the direction. But you have imposed on yourself the difficulty before exercising the ascendancy which belongs to you, of conquering it each day, with much irritation of the *amours-propres* . . ." ¹⁶² But Guizot, doubtless somewhat deceived by the eagerness which the King and Molé had shown to secure his entrance, counted with characteristic optimism on ready recognition of his right to leadership.¹⁶³

At the same time, Molé was reading the editorials in the journals with indignation and unburdening his mind in his letters to Barante. "Whatever the papers say . . . my presidency is not

¹⁵⁸12 Nov, *Souvenirs de Barante*, V, 496

¹⁵⁹Louise de Broglie had recently married M. d'Haussonville. Doudan was tutor in the Broglie household and became almost a member of the family. When the Duke of Broglie was in office Doudan served as his private secretary. He was one of the chief charms of the Broglie salon, says d'Haussonville in the biographical sketch which he wrote for the edition of Doudan's writings.

¹⁶⁰Letter of 19 Nov., 1836, Doudan, *Mélanges et lettres*, III, 21.

¹⁶¹Thureau-Dangin states that he tried to do so. *Op. cit.*, III, 143.

¹⁶²12 Sept. Cited above, n. 147.

¹⁶³Guizot, *Mémoires*, IV, 178.

nominal and it requires more of my attention than the department I direct," he wrote on 17 September.¹⁰⁴ Again, in early October, he wrote of the burden he was carrying, and of the long hours necessary to discharge each day's portion of it, but of his adequate supply of courage. "But it is less my courage than my impassivity that has been put to the test. You know the pride and the character of someone, happily they were known to me also in advance. It is with full clairvoyance that I committed myself . . . I shall endure [i.e., continue in office]; I have the firm conviction of it. The absence of Montalivet leaves the only chance for intrigues. After the first fault, so contrary to the language that had always been used, I may say even to the engagements taken during the winter, there remained yet two routes open before the same personage, that of the frankest and most complete union with me, that of . . . a rivalry constantly covered by appearances that are thought effective. It is the latter that he has preferred . . . do not think in reading all this, that there is any division or even germ of division between us. No . . . we are in the best relations possible without confidence or intimacy. I feel my position to be considerable . . . and I feel that my future will be more independent and more durable than that of the other."¹⁰⁵ In the middle of November he declared his satisfaction with his own success in meeting his problems; he looked forward to the session with confidence. The "ministerial interior" he reported "regulated"; the "nominal presidency" had acquired reality. He would devote himself to maintaining the present combination as the only good, desirable, possible one in the circumstances.¹⁰⁶ But a month later came a piteous letter: "Dear friend, you cannot have any idea, even approximate, of

¹⁰⁴*Souvenirs de Barante*, V, 472.

¹⁰⁵2 Oct., *ibid.*, p. 478.

¹⁰⁶16 Nov. *Ibid.*, p. 496. In the file of Molé letters at Val Richer is a copy of a communication from Molé to Gasparin of 11 Nov., 1836, rebuking the latter for certain instructions to the prefects on the Swiss frontier, sent out (according to Molé) without consulting him. Gasparin's reply (a copy) pointed out that the action had been decided upon in Council, and that he would have thought himself remiss had he delayed execution of the decision.

the life that I lead. I have wished to give answer to M. Guizot, who claimed that if I called myself the *président*, it was because he had willed it thus. I have *taken* the first place, and I can affirm to you that none has for six years been the *premier* as much as I am now. There is in that fact, I dare say, profit for the country, for I prevent many mistakes, I surmount more than one obstacle, and above all, I calm many irritations. It is perhaps at the price of my health . . . I am not astonished at the silence my two Doctrinaire colleagues guard with you. I had much to learn about this sort of character, it is a singular variety of the human species: political egoism is carried to a degree which leaves very little place for justice, sympathy, or truth."¹⁰⁷

It is not indeed astonishing that Guizot did not compete with Molé for the sympathy of Barante; it was not in his nature to write thus. We have only his statement in the *Mémoires* that Molé knew better how to get along with superiors than with equals, that with the latter he was "distrustful, umbrageous, quick to take offense, and given now to disquietudes, now to pretensions, alike ill-founded and inconvenient." There was, he records, "no visible quarrel" between them, no serious difference of opinion, and even an outward serenity in their relations, but they were constantly on guard with each other and acted together without a feeling of "perfect security."¹⁰⁸ The two men must have met frequently in their leisure hours as well as in the Council-chamber, for in the winter of 1836-1837 Mme. de Lieven established herself in Paris and attracted to her salon a brilliant group of political notables as she had done in her earlier years in London. Greville, visiting in Paris in January, found Molé, Thiers, Guizot, and Berryer her favored guests.¹⁰⁹ Her description of Molé in an intimate letter written not long after reads thus: "The most elegant wit, the most accomplished manners and address. He is flexible, gentle, amiable, quick to take offense, jealous of all superiority, vain, enlightened, and

¹⁰⁷18 Dec. *Ibid.*, pp. 508-509

¹⁰⁸Guizot, *Mémoires*, IV, 222-223. Cf. extract from the unpublished notes of Duvergier, Thureau-Dangin, *op cit.*, III, 154.

¹⁰⁹*Journals of the Reigns of George IV and William IV*, II, 493-494 (19 Jan., 1837).

moderate . . . light-minded like all Frenchmen."¹⁷⁰ Her mounting admiration for Guizot because she found him an exception to this last generalization may have influenced her opinion of Molé, but she was an old hand at the game of reading men.

The singular situation within the cabinet did not at first prevent effective cooperation. In the weeks before the Chamber convened, Guizot resumed work on his program of reform in public education, and Duchâtel prepared financial and economic measures for parliamentary consideration, while Molé worked to overcome the uncomfortable diplomatic situation he had inherited,¹⁷¹ hastening to restore friendly relations with the continental powers¹⁷² and to bring the difficulty with Switzerland to as prompt a termination as possible. The cabinet decided on the pardon or commutation of sentence of a large number of Republican and Vendean prisoners and freed the four ministers of Charles X on certain conditions as to future residence. Two unfortunate events clouded this otherwise auspicious beginning. Louis-Napoleon's abortive attempt at Strasbourg burdened the Government with the perplexing problem of procedure in the trial of his accomplices, some civilians, and some soldiers. It was decided to send them all to jury trial; their subsequent acquittal was scandalous and in due time was destined to make further trouble for the ministers. The second misfortune was the disastrous defeat in Algeria of the French expedition against Constantine, a catastrophe rightly chargeable to the policy Guizot had warned the previous cabinet against allowing, but exploited by the journals of the Left as the fault of Doctrinaire indifference to national grandeur.¹⁷³

As the session approached, the ministry and its friends felt anxiety as to the line Thiers would take. He returned to Paris

¹⁷⁰Undated, but apparently early 1837, cited Daudet, *Une vie d'ambassadeur*, p. 234.

¹⁷¹A "dirty heritage" he called it in his letter to Barante 17 Sept., 1836, cited n. 164.

¹⁷²Who were as well satisfied with Thiers's fall as they had been with Broglie's. Bresson to Barante, 23 Sept., 1836, *Souvenirs de Barante*, V, 473; again 24 Dec., *ibid.*, p. 514.

¹⁷³Thureau-Dangin, *op. cit.*, III, 145, 504-516; General Damrémont to Guizot, 10 Dec., 1836, Guizot, *Mémoires*, IV, 428-437.

early in November from a trip to Italy not at all downcast, but, as Mme. de Broglie reported to Barante, "very full of life, hopes, and projects."¹⁷⁴ As Heine later remarked of the agile leader of the Left Center, he always fell on his feet.¹⁷⁵ Thureau-Daugin conjectures that he had undertaken Spanish intervention without much hope of succeeding against Louis-Philippe's opposition, but choosing to suffer defeat on that issue rather than after a failure to cement an alliance with the absolute monarchies, and counting on standing in the coming parliamentary session as a fallen champion of a liberal and national policy.¹⁷⁶ The breach which had developed between him and the Doctrinaires in the previous spring had naturally widened with the course of events. He gave a hospitable reception to the advances of the Left, and was reported to speak with scorn of the *système antinationale* of which the opposition to his Spanish policy was only an incident.¹⁷⁷ "If one is to judge of the rôle M. Thiers will play in the Chamber by his language and conduct now," wrote Molé in his letter of 18 December to Barante, "that rôle will be active and of an opposition à outrance to M. Guizot and in consequence, to the cabinet He rallies to his standard a considerable phalanx of eloquence, Berryer, Barrot, Mauguin, Dupin, Sauzel, Vivien, Dufaure, etc. . . . The disaster of Constantine will be exploited."¹⁷⁸ "Political animosities are frightful just now," wrote Mme. de Broglie to her daughter two days later.¹⁷⁹ The salons were occupied with the approaching reception of Guizot into the Academy, which the circumstances made almost as much a political event as an intellectual one. We are indebted to Doudan's letters to his beloved former pupil for an account of the singular coincidence which lent spice to the gossip. When the names of the three members who, according to custom, should hear and approve in advance the addresses of the novitiate and

¹⁷⁴Letter of 12 Nov., 1836, *Souvenirs de Barante*, V, 496.

¹⁷⁵*French Affairs*, II (*Lutetia*), 36.

¹⁷⁶*Op. cit.*, III, 109.

¹⁷⁷The wagging tongues had it that there was "fierce joy in the salon of M. Thiers" at the news of the Algerian disaster.—*Unpublished journal of Viel-Castel*, cited *ibid.*, p. 145.

¹⁷⁸*Souvenirs de Barante*, V, 508.

¹⁷⁹20 Dec., *Lettres de la Duchesse de Broglie*, p. 253.

of the official spokesman of the body, were drawn from the urn by lot, the god of chance named Royer-Collard, Thiers, and Dupin: Royer-Collard excused himself from serving, more or less plausibly. With the other two "Guizot's discourse passed like a letter through the post," but Ségur's address of welcome was not so fortunate: his eulogies of M. Guizot were adjudged a bit political, and his glorification of *le plus juste milieu* was a trifle overdone for the taste of M. Dupin, and not entirely palatable to M. Thiers. Scandal was happily averted only by Ségur's grudging consent to slight modifications!¹⁸⁰ The Institute was of course crowded on the twenty-second. M. Guizot's friends professed themselves gratified with the success of his discourse, but Doudan confessed to a slight disappointment: he thought the audience less enthusiastic than at the reception of M. Thiers two years before.¹⁸¹

IV

The parliamentary session of 1837 opened on 27 December with a Crown speech which was conciliatory in tone; it expressed gratification at the avoidance of armed intervention in Spain, and spoke of new legislation to be presented. The Address of the Deputies in reply was drawn up in terms satisfactory to the Government. The debate on foreign policy was the most significant part of the discussion, which occupied the Chamber for more than a week.¹⁸² Barrot interpellated the ministry on its dealings with the Swiss; Thiers jumped into the fray at once without waiting for an attack on his record. When Molé threw upon his predecessors all responsibility for such severity as he had shown, Thiers intimated that the King had meddled in the Swiss matter without consulting him and without his knowledge.¹⁸³ The discussion of Spanish relations had its prologue in the Peers, where Guizot (10 January) declared that the present cabinet was resuming the policy of the Government of 11 October, not accepting the alteration made by the Thiers ministry.

¹⁸⁰Doudan to Mme. d'Haussonville, 17 and 20 Dec., *Mélanges et lettres*, III, 28; I, 204-205.

¹⁸¹Letter to M. d'Haussonville, 22 Dec., *ibid.*, I, 208.

¹⁸²12-20 Jan., 1837. *Archives parl.*, CVI.

¹⁸³13 Jan., *ibid.*, pp. 377-389.

Answering Cousin, who had characterized the latter as merely a logical continuance of the former, Guizot read Broglie's dispatches of 1835 to show how careful the Government had then been to promise and to give only indirect support, whereas in the summer of 1836 French officials had recruited for the foreign legion in the French regiments. He explained that the cabinet of 11 October had wished earnestly to aid the cause of constitutional monarchy in Spain, but had not been willing—save for Thiers, who had dissented from the prevailing view—to risk involving the strength and prosperity and perhaps the fate of France in that cause.¹⁸⁴

Four days later, the President of the Council addressed the Chamber for three quarters of an hour on Spanish policy, and was heard with profound attention and many signs of approval.¹⁸⁵ Thiers made a still more lengthy defense of his conduct toward Spain; in the course of his speech he complained sharply of the inattention and confusion in his audience. His main contention was that the course of the Government in 1834 and 1835, especially in the signature of the treaty of the Quadruple Alliance, gave the Spanish Constitutionals reason to expect active aid. He had thought so in 1835, and had threatened to resign, but had been persuaded by his colleagues to remain upon their concession of indirect aid in the form of the foreign legion. He declared, moreover, that some of the cabinet half supported him in 1835: even M. the Minister of Public Instruction had said that he could see how one might believe intervention wise!¹⁸⁶ At the next session Guizot answered this with the entirely satisfactory explanation that in 1835 he had wished to keep his colleague in the ministry, and had endeavored to respect his point of view; his own opinions, to be sure, had not been absolute: they had developed with the circumstances. But he called Thiers to witness that whenever *yes* or *no* had had to be pronounced on intervention, he had always voted *no*.¹⁸⁷ Then he read dispatches of Broglie's and Rigny's in 1833 and 1834, and lastly one of Broglie's of 23 Janu-

¹⁸⁴*Ibid.*, pp. 304 ff.

¹⁸⁵14 Jan., *ibid.*, pp. 389-394.

¹⁸⁶*Ibid.*, pp. 396 ff.

¹⁸⁷16 Jan., *ibid.*, p. 427.

ary, 1836, which contained the following sentence: "Armed intervention and pecuniary aid . . . on those two points the cabinet of Madrid must expect nothing from the Government of the King." (This left little ground for the position that Thiers's policy had been merely the fulfilment of the implications of the earlier agreements.)¹⁸⁸ Finally, reminding his hearers that at the preceding session Thiers had maintained that the treaties of the Quadruple Alliance were a mockery and a deception if they were not interpreted to commit France to armed cooperation with the Spanish government, he read from the records of the Chamber a reply Thiers himself had made to Mauguin in June, 1836, when the latter had attacked the Government for failing to help the Spanish Liberals. Thiers had said on that occasion that France had aided them with her moral support, in itself a great service, with a blockade on the Pyrenees frontier, and with the foreign legion. As for an army, no! "If we ever had to consider that," he had said, "we should take counsel of the dignity, the interest, of France, and of the interest of Europe, and, I shall add, the wish, well understood, well attested, of the country."¹⁸⁹

Having thus effectively disposed of the specific contention, Guizot reviewed the history of French foreign relations and maintained that France had always profited more by peaceful policies than by wars. The course followed by Louis XIV had left the country exhausted; in the eighteenth century French influence had acted through ideas rather than through armies, and more fruitfully. The conquests of the Revolution and the Empire were "glorious"—but they had cost more than they were worth. Now another era of peaceful development, intellectual, scientific, and industrial, had arrived, and true wisdom would refuse to engage in enterprises of a past age. The English alliance he declared to be based not on passing circumstances but on a natural sympathy of ideas and on a common desire to maintain the peace of Europe.

¹⁸⁸Hillebrand maintains that Spain had been offered the cooperation of a French army in 1833 and 1834 and that Bioghe "interpreted away" the promise when he changed his mind. (*Op cit*, I, 495, 574.) But see the dispatches of 1833 and 1834 read by Guizot, *Archives parl.*, CVI, 428.

¹⁸⁹16 Jan. *Ibid.*, pp 427-435.

On this theme he could talk for hours, but he bethought himself of his audience, and apologized for the length of his speech. Encouraged by cries of "*Parlez! Parlez!*" he launched into a characteristic general defense of the policy which for six years had made domestic progress and prosperity its great concern and had carefully avoided foreign involvements. He declared that, on the one hand, the spirit of fanatic absolutism was on the decline everywhere in Europe, while in France the same thing was true of the revolutionary spirit. France, able to comprehend both the great ideas dominant in Europe, could be friendly alike to the devotees of liberty and progress and the lovers of order and conservatism. This was the path of the *vrai juste milieu*. "What" he asked, "is the greatest service France can render to . . . the cause of constitutional government of regular liberty, of progress, and of civilization? It is to succeed completely *chez elle*."

It was inevitable that Barrot should reply by heaping scorn on this *vrai juste milieu*, denouncing it as mere "neutrality, egoism, materialism."¹⁰⁰ And it was to be expected that Berryer should declare it to be a do-nothing policy, bound to perish between the two great realities, the sovereignty of the Crown, and the sovereignty of the people.¹⁰¹ It was also to be expected that some member of the Opposition would seize the opportunity to emphasize the divergence between Thiers and Guizot. Berryer declared that the former, in resigning when he could not make his "system" prevail against the *juste milieu*, had resumed his place in the Opposition, where he belonged. ("General laughter. All eyes turn to M. Thiers, who takes notes.") "For, said Berryer, "he is a revolutionist," and added, "I am convinced that this is not an outrage."

In the course of the debate, Guizot had the pleasure of hearing Rémusat speak well on the theme of intervention in general, maintaining that governments should restrain instead of exploit the bellicose instincts of a nation.¹⁰² On the twentieth of January the Chamber sustained the cabinet by a substantial majority, voting the Address without change save by the addition of an

¹⁰⁰18 Jan., *ibid.*, pp. 491 ff.

¹⁰¹*Ibid.*, pp. 463 ff.

¹⁰²*Ibid.*, p. 474.

amendment expressing sympathy with Poland, which the Government did not oppose.

After the victory of the Address, the ministry secured the passage of a law on municipal administration which supplemented the legislation of 1831, and fulfilled not only the promise of the revised Charter for introduction of the elective principle into local administration, but also the Doctrinaire proposal of 1819 which Molé had so thoroughly disliked. The discussion occupied the last sessions of January and the early part of February. Guizot and Rémusat aided the ineffectual Gasparin in the defense of the measure.¹⁹³

But such inconspicuously progressive legislation passed unnoticed; public attention was engrossed by a "constellation of unpopular laws"¹⁹⁴ introduced late in January. The proposed "law of disjunction" was an attempt to solve the problem raised by the acquittal of Louis Napoleon's accomplices, by providing that in the case of such conspiracies, soldiers involved should be tried by military tribunals, and civilians by jury: the object was, of course, to insure that members of the army, at least, should not engage with impunity in plots to overthrow the government. Two other related measures designed to make harder the way of conspirators—one providing punishment for failure to reveal knowledge of a plot against the King's life,¹⁹⁵ the other designating the *Ile de Bourbon* for the location of a prison for persons sentenced to deportation with confinement—made up a trio of proposals that would certainly call out all the forces of the Opposition and test the majority severely. But there was strong feeling for as well as against such legislation, in view of the scandal of the jury acquittals in the Strasbourg trials¹⁹⁶ and of the recurring attempts to assassinate Louis-Philippe.¹⁹⁷ The inexplicable thing in the procedure of the Government is the presentation at the same time of two projects equally sure to arouse

¹⁹³*Archives parl.*, CVII, sessions of early February.

¹⁹⁴Dupin's phrase, cited Thureau-Dangin, *op. cit.*, III, 161.

¹⁹⁵Thus reviving articles of the penal code of 1810 which had been suppressed in the reform of 1832.

¹⁹⁶See Blanc, *op. cit.*, II, 496, for the trials

¹⁹⁷He had another narrow escape on the day of the royal session (27

vehement opposition on other grounds. One provided an *apanage* for the King's second son, Nemours; the other asked for a million francs for the dowry promised by treaty to the daughter who had married the King of Belgium. Whatever the arguments for these proposals—the Government was of course pledged to the second—it was nothing less than political folly to couple them with the other measures.¹⁹⁸ Guizot offers no explanation in the *Mémoires*; his account suggests only that Louis-Philippe was extremely anxious for the introduction of the dotation bills, and that the reception of the proposals by the Chamber was colder than the ministers had expected.¹⁹⁹

It seems safe to say that in the matter of the repressive measures, Molé was restrained by Guizot from going farther.²⁰⁰ According to Blanc, the President of the Council wanted to ask for the Government the right of summary removal from Paris of anyone whom it thought dangerous; the Minister of Public Instruction disapproved so grave a derogation of personal liberty, and worked through his friends, especially Duvergier de Hauranne, to dissuade Molé from so arbitrary a measure. Whatever may have happened, Guizot's friends were later to resent bitterly Molé's pretense that his colleague had been responsible for the unpopular policies of the cabinet.²⁰¹

The late winter brought Guizot a grief beside which the bitterness of political dissension was a trivial matter. His son, François, a beautiful and intelligent youth of twenty-two years, died in February of a "pleurisy" after several weeks of illness;

¹⁹⁸Metternich said of them: "How can a man of (Louis-Philippe's) intelligence so deceive himself as to his governmental position as to engage battle in the Chamber on laws which will decide life or death to the existing order of things and at the same time on miserable questions of money for his children? . . . I know how to obey, and yet, if I were a French minister, I should a thousand times prefer to retire than to present the demand for the dotations." *Mémoires de M. de Metternich*, VI, 194.

¹⁹⁹*Mémoires*, IV, 216-218

²⁰⁰Blanc, *op. cit.*, II, 497; *Notes inédites de Duvergier de Hauranne*, cited Thurcau-Dangin, *op. cit.*, III, 165; Montaville in the Chamber 13 March, 1837, *Archives parl.*, CXVI, 635

²⁰¹E.g., Jaubert in the Chamber 2 May and again 2 June, 1837, *Archives parl.*, CX, 435; CXII, 147 ff. Cf. Baillot, *Mémoires*, I, 318.

the fragility of his physical inheritance from Pauline de Meulan and the chill of Paris winters had made excessive study fatal. His father felt the anguish of one who, in the pressure of affairs, had not concerned himself soon enough about his son's health.²⁰² Mme. de Broglie, who had watched the lad grow up with her own children and loved him tenderly, and who had lost her eldest child five years before, knew how to sympathize with the stricken father and grandmother. She was impressed anew with their fortitude under the blows of fate. "Madame Guizot," she wrote to the friend at St. Petersburg, "is a beautiful spectacle of submission and of peace. . . . Calm and detached from all that is personal, but loving and thoughtful for others. M. Guizot has kept all the elevation and liberty of his spirit; two great wings, as it were, which raise him to a region where suffering is softened. . . ." ²⁰³ But great as was the self-mastery he had so early conquered, it was scarcely adequate to his need in the wretched month of March, 1837.

The battle on the law of disjunction, which was waged chiefly by the jurists of the Government and of the Opposition—Guizot prepared a speech but was dissuaded by his friends from delivering it,²⁰⁴ and Thiers and Barrot were silent—resulted in a defeat for the proposal on a very close vote (209 to 211). The ministry announced through the press that it would not resign before so small a majority.²⁰⁵ Meanwhile the other measures on the Government program, which had not yet been brought before the Chambers for debate, were being violently attacked by Opposition editors and pamphleteers. In the middle of March Guizot assumed his share of defense of general policy, assailed with the more energy by enemies who knew of the disunion in the cabinet; he had to meet also the attacks on his measure for reform of secondary schools, the debate on which had been postponed a month on account of his son's illness and death. In spite of the general consideration and sympathy shown him from all quarters—he testifies particularly to that of Dupin—he felt near to break-

²⁰²Guizot, *Mémoires*, IV, 231.

²⁰³13 March, 1837, *Souvenirs de Barante*, V, 547.

²⁰⁴Guizot, *Mémoires*, IV, 220.

²⁰⁵The *Débats* (8 March) declared that the vote was by no means an indication of a desire to overthrow the ministry.

ing under the burden of grief and care.²⁰⁶ Mme. de Broglie drew a somber picture of the political outlook in her letter of 13 March to Barante. Guizot, she said, had need of all his courage: the Chamber was inert in the face of a disquieting situation, with the King's life constantly menaced, and the reactionary group among the Conservatives alarming the more moderate minds by their nefarious activities: as for the ministry, she feared that, in spite of "good resolutions," personal antipathies would eventually prevail.²⁰⁷ A few days later Guizot himself wrote to a friend in much the same strain: "I am dissatisfied, nothing goes well, our friends are languid, our enemies very active. We are surrounded by weaknesses, reticencies, betrayals, inadequacies, I feel myself sometimes on the point of being conquered and surmounted by the tide If I allowed myself to read in the depths of my soul I should say that I am tired, that I have need to stop and rest, to refresh myself with quiet and repose."²⁰⁸

Instead of following that impulse, he girded himself for a campaign on the ministerial program. Gasparin, inadequate for such a fight, was ready to give up his portfolio; Guizot proposed to take the Interior himself and turn over the department of Public Instruction to the well-qualified Rémusat.²⁰⁹ Thus he would repair his error of the previous September in accepting a secondary post, and would be in a strategic position for winning the campaign he was willing to make for the unpopular measures. But Molé had another course in mind: that is, to adopt a policy of concession. The *Revue des deux mondes*, friendly to Molé because of favors received,²¹⁰ portrayed Guizot as arrogant and implacable and the President of the Council as the reverse.²¹¹ Molé did not hesitate to attribute the misfortunes of the ministry to his Doctrinaire colleague, who on his side declared that the policy of retreat after a defeat would be a weak one, and was

²⁰⁶Guizot, *Mémoires*, IV, 231.

²⁰⁷Cited above, n. 203. The reference to reactionaries is to the embarrassing *Journal de Paris*.

²⁰⁸19 March. From an unpublished letter, cited Thureau-Dangin, *op. cit.*, III, 151.

²⁰⁹Guizot, *Mémoires*, IV, 224.

²¹⁰Thureau-Dangin, *op. cit.*, III, 156.

²¹¹In its fortnightly chronicle of politics dated 31 March, 1837.

said to remark to his intimates on the pusillanimity of M. Molé.²¹² Refusing to remain in the cabinet unless the changes he suggested were made, he encountered a flat refusal from the President of the Council to consent to the modification.²¹³ The rupture was complete, but the Doctrinaire ministers withheld announcement of their resignations while negotiations went on for a new combination.

In the Chamber on the first of April, Barrot deplored "these periodic crises which recur at such frequent intervals," called on the cabinet to "terminate as soon as possible the situation in which we are placed," and declared that all the work of the legislative body was paralyzed.²¹⁴ Guizot could only answer, for the Government, that the ministers were still in office, and that several laws were ready for discussion. He commanded sufficient support to defeat the demand of the Left for adjournment, and several days of half-hearted debate on minor projects followed. On the twelfth the session opened without a minister present, but the Centers, aided by Barrot, again prevented indefinite adjournment and incidental advertisement of the difficulties of the situation.²¹⁵

Meanwhile the King had been patiently turning the ministerial kaleidoscope. Molé had first tried in vain to effect a reconstitution of his ministry with Soult and Montalivet, or with the Left Center. Soult, in his turn, had made an attempt to form a Government of the Left Center. Thiers, when called by the King, had proposed a foreign policy which he knew would be unacceptable to the King and the Chambers. Foreseeing a summons, Guizot had forearmed himself with the advice of his friends, especially Duchâtel and Broglie. From the latter he had a letter

²¹²Thureau-Dangin, *op. cit.*, III, 165, on the authority of Duvergier de Hauranne.

²¹³Guizot, *Mémoires*, IV, 224. Molé wanted to put Montalivet in Gasparin's place—Mounier to Barante 1 May, 1837; Rémusat to Guizot 6 March, 1860, Val Richer, *Correspondance*. Some of Guizot's friends suspected Talleyrand of intriguing again.—Saint-Priest to Barante, 1 June, 1837, *Souvenirs de Barante*, VI, 24; and Rémusat in the letter just cited.

²¹⁴*Archives parl.*, CIX, 326.

²¹⁵*Ibid.*, p. 624.

dated 29 March²¹⁶ which began as follows: "My dear friend, since your future, mine, and perhaps that of the country, is at stake in the decisions that we may be called upon to make a few days hence, it is important that no misunderstanding, no uncertainty creep into the result of the conversation we had this morning." His name was not to be mentioned to the King unless the latter spoke of him. "If, which God forbid, the King spontaneously and of his own motion, had me called, I could give him . . . only one counsel; it would be that he should try a ministry founded on the principle of a reconciliation among the men who cooperated for six years to defend the present government. . . ." On 5 April, Guizot was asked to present the elements of a cabinet and, according to Duvergier de Hauranne, His Majesty declared that if he had his ministry of 11 October back again, his embarrassments would cease.²¹⁷ After seeing Molé to get a formal confirmation of his resignation, Guizot sought an interview with Thiers and proposed a reconstitution of the ministry of 11 October, with Broglie again president of the Council and minister of Foreign Affairs, Thiers at the Interior, Duchâtel as minister of Finance, and himself at his old post in the department of Public Instruction.²¹⁸ Their conversation, according to Guizot's account of it, was long, frank, and free from any bitterness. But Thiers declined the offer, on the ground of his disagreement with the King on intervention in Spain, and because of his situation in the Chamber (evidently referring to his association with the Left Center).

Duvergier de Hauranne attributes the following statement to Thiers in the course of a conversation with "one of the Doctrinaires"—probably himself: "Do not think that I have the least repugnance to be minister with Guizot. We have been at outs for a year, but during four years, we lived in good understanding, and we could begin over again. Between his ideas and mine, moreover, I see no notable difference. I believe that he is a bit mistaken on the situation of the country, and he pays me the

²¹⁶The original is at Val Richer. Passages from it appear in Thureau-Danguin, *op. cit.*, III, 167.

²¹⁷Cited Thureau-Danguin, *op. cit.*, III, 167.

²¹⁸Guizot's account (*Mémoires*, IV, 226) is substantially that of the *Journal des Débats* of 7 April, 1837.

same compliment. But there is more of words than of realities in that. My reasons for refusing *today* the alliance that he proposes to me, are first, my personal dignity, which, when he is victor and I vanquished, does not permit me to accept his protection and to allow myself to be reestablished by him; secondly, the opinion of my friends, who are very much opposed to him, and who would reproach me for this reconciliation as a betrayal. When we shall have been out in the cold together for a year, the situation will be different, and we shall see."²¹⁰

Guizot could only report his failure to the King and Broglie,²²⁰ and Louis-Philippe could only continue calling the "ministerials" into consultation, while the Chamber grew more and more impatient, the public more and more disgusted as the press recounted the details that leaked out, and certain friends of the monarchy more and more concerned at the discredit cast upon parliamentary government by its apparent inability to function efficiently.²²¹ Molé, according to Guizot's account, remained a stranger to the *pourparlers*, complaining of the prolongation of the crisis, and let it be understood that he could put an end to it. On the twelfth the King sent again for Guizot and asked him if he could form a cabinet of his own friends.²²²

Against such a contingency Broglie, in his letter of 29 March, had rendered a frank opinion in advance. "If this indication (the advice to reconstitute the cabinet of 11 October) were not welcomed," he had written, "or if, which I regard as very likely, it should fail when attempted, I should not advise the King to form a ministry taken exclusively from the shade of opinion you represent in the Chamber of Deputies, my sentiment being that a new ministry of 22 February, 1836, would be less perilous for the monarchy. . . ." But since Broglie had written thus, the attempt to reestablish the old alliance had failed, and Thiers had

²¹⁰*Notes inédites*, cited Thureau-Dangin, *op cit.*, III, 167-168 Cf. Blanc, *op. cit.*, II, 508.

²²⁰Unaware of Broglie's letter and counsel, Blanc declares that Broglie received Guizot's proposal to revive the old combination with coldness and a tinge of resentment. *Ibid.*

²²¹Thureau-Dangin, *op cit.*, III, 169; Barante to Anisson du Perion, 16 April, 1837, *Souvenirs de Barante*, V, 567.

²²²Guizot, *Mémoires*, IV, 227.

declined to form a new ministry. The only alternative now was a Molé cabinet which would be unparliamentary by virtue of the absence of any of the great leaders of the Chamber. In such a situation, it was not in Guizot's nature to believe that his ministry would be the more perilous for the monarchy; although it would seem that others of his friends besides Broglie were still opposed to the venture.²²³ With a cabinet free of the wretchedness of internal dissension and rivalry and devoted to his leadership, would he not find a certain joy and escape from personal grief in a parliamentary campaign to conquer a majority for the whole program of unpopular legislation, including liberty of secondary instruction? Would there not be a tremendous satisfaction in throwing all his energy and eloquence into a mighty effort to demonstrate to the country that he understood its fundamental needs and interests?

He recounts his interview with the King. "Without attenuating anything of the difficulty and peril of the enterprise," and expressing a hope that he might count on Montalivet and Montebello, he named Duchâtel, Rémusat, Dumon, and Bugeaud. "Too hazardous," cried the King at the last name,²²⁴ "I do not dare. . . ." "I understand. Your Majesty will try others," said Guizot.²²⁵

On 15 April the *Moniteur* carried the announcement that Barthe, Montalivet, Lacave-Laplagne, Salvandy, would replace Persil, Gasparin, Duchâtel, and Guizot.²²⁶ Rémusat had also resigned his under-secretaryship. "An evident diminution of talent, authority, and éclat," says Thureau-Dangin. On the eighteenth, the reorganized cabinet entered the Chamber together, and Molé at once ascended the tribune, presented a project to fix an annual *dotation* for the Duke of Orleans to date from his marriage, and

²²³*Notes inédites de Duvergier de Hauranne*, cited Thureau-Dangin, *op. cit.*, III, 170. But for two weeks the able and independent editor of *La Presse* had been urging the logic and justice of a "homogeneous" ministry with Guizot as chief. See issues of 1, 3, 5, 8, 11 April.

²²⁴General Bugeaud had been active in suppressing insurrection in 1834.

²²⁵*Mémoires*, IV, 227. For this attempt to form a "homogeneous cabinet" as well as for the earlier effort to revive the alliance with Thiers, see Guizot's discourse in the Chamber 3 May, 1837, *Archives parl.*, CX, 44-4, 445.

²²⁶The discourteous omission of mention of the resignations in the ordinances countersigned by Molé is not without significance.

read an ordinance withdrawing the project of 26 January for the *apanage* of Nemours; he thereupon announced the treaty for the marriage of Orleans to Helène of Mecklenbourg-Schwerin, adding that the King did not wish to ask the Chamber to provide for two of his sons at once, and that the Duke of Nemours had himself requested the withdrawal of the law in his favor.²²⁷ He followed these announcements with a laconic statement of the intention of the ministry to follow "the firm and moderate policy" which had led the country to its present hopeful situation, and an acknowledgment of the aid rendered by his former colleagues, from whom he regretted to be separated. He was heard in a chilly silence.²²⁸ If the Chamber expected a declaration concerning the laws on non-revelation and deportation, they were disappointed, for not a word was said about them.

VI

In his place as simple deputy, Guizot was none the less leader of the right wing of the Center, as Thiers of the left; and it was upon the Centers that Molé must depend for his majority. For Guizot the strain of personal grief and political care had been so great during the early months of 1837 that the relinquishment of office was a release. In the editorials of the Conservative press, from the reactionary *Journal de Paris* to the Doctrinaire *Pair*, there was comforting indignation at his exclusion from the cabinet. The *Journal des Débats* had praised unstintedly his conduct during the crisis, especially his largeness of spirit in attempting to renew the alliance of "11 October."²²⁹ The *Presse*, bolder, and no admirer of Thiers, had called for a "homogeneous" Guizot ministry which would allow its chief to show what he could do: if the Chamber should overthrow him, let them

²²⁷ *Archives parl.*, CIX, 755-756.

²²⁸ See Saint-Priest to Barante, 25 April, 1837, *Souvenirs de Barante*, VI, 6. The *Journal des Débats*, which had accepted the Molé cabinet on 17 April without much hesitation, was also somewhat chilly in its comment on Molé's announcements. *La Presse* (19 April) was indignant. Their attitude is significant because neither was disposed to unfriendliness toward Molé.

²²⁹ 7 April, 1837.

have Barrot; for only Guizot and Barrot represented any honest difference in ideas.²³⁰

A parliamentary episode in the early days of May, a fortnight after the advent of the Molé ministry, throws high light on Guizot's position in the Chamber, and on the resolve he had made to stake his future upon an unequivocal reaffirmation of his faith in the *Juste Milieu*. The occasion was the debate on the "secret funds," on which the younger Doctrinaires, dominant on the committee, as they had been a year before, had made a report expressing only a very much qualified confidence in the Government.²³¹ When the discussion began it was soon painfully evident how little good will Molé commanded in the Chamber.²³² The Opposition interpellated not only the Government on the recent crisis, but Guizot as well, accusing him of being reactionary, "untractable" and "uncompromising," and of having evinced a vulgar desire to cling to office. His answer was awaited with eagerness.²³³

He began by announcing his intention, as a matter of course, to vote to support the Government on the secret funds. Then, answering the attacks, he repelled the charge of base ambition with words that moved his audience deeply: "I have quitted office and resumed it already several times in my life, and I am, . . . on my own account, profoundly indifferent to these vicissitudes of political fortune. . . . You may believe me, gentlemen, it has pleased God to acquaint me with joys and with sorrows which leave the heart cold to every other pleasure and to every other grief."²³⁴ Then, having recounted his part in the nego-

²³⁰1, 3, 5, 8, 11 April. The *Presse*, edited by Émile de Girardin, was the forerunner of the modern newspaper in its effort to reduce the price to subscribers and pay expenses by its advertising. Its editorial staff included Balzac, Dumas, Hugo, Mme Gay, and Eugene Sue.

²³¹25 April, *Archives parl.*, CX, 223-225

²³²See the records of the sessions of 2 and 3 May, *ibid.*, especially pp. 418 ff., 442 ff.

²³³3 May, *ibid.*, p. 444

²³⁴Says Louis Blanc: "If his face showed marks of care they were not such as had their origin in political warfare. He had just lost his son. But great afflictions exalt a soul that is not essentially vulgar. Raised . . . by the majesty of a father's grief . . . above the wretched tricks of ambition, M. Guizot gave utterance to some passages of real eloquence. The assembly was intensely affected . . ." *Op. cit.*, II, 515.

tiations during the recent cabinet crisis, and having declared that he and Molé had differed not in intention, but as to the proper course to follow after the defeat of the disjunction law, he went on to reply to the charge just made by the Opposition that he was reactionary and wished to revive aristocracy. "I wish the definitive triumph, the political preponderance of the middle class in France," he said. "The democracy of today, the middle class of today (unlike the bourgeoisie of the Middle Ages, recently freed, narrow, envious, and restless) is confident, jealous of none, denies to none his part in the social organization. It must open its ranks unceasingly, and show itself ready to welcome every superiority."

He declared his belief that the revolutionary spirit was declining in France, and that the conservative spirit was gaining ascendancy, but that the former was still formidable. He saw it even in the conservative classes, but it was more evident in the working classes, and more difficult to restrain. "You have against the revolutionary disposition of the poorer classes, . . . aside from legal force, only one efficacious and powerful guarantee, *le travail*. . . . The necessity of labor, and the bridle that it imposes on every ambition . . . is today a very salutary fact. But do not trust to it, labor is an insufficient check which will fail some day." The only sure checks were those which lay in the individual himself, in his convictions, in his moral restraints. The problem created for government by these social facts was made greater by the moving of the revolutionary spirit throughout the world, and by the nature of free institutions, which "organize the struggle between the good and the evil" in the confidence that good will prevail over evil. It were foolish to expect the revolutionary spirit to be a transient guest: the struggle would be long. No government could afford to sleep at the wheel. He reaffirmed his belief that the Orleanist government had been patient and moderate, instead of repressive, and his conviction that the laws of disjunction and non-revelation had been well-conceived. He expounded his idea of an effective government: it must have a firm majority in the Chambers, a homogeneous local administration, and must rally the conservative

classes in the nation at large. It must rise to the height that Providence requires of governments!²⁸⁵

Every vulnerable phrase of this manifesto was joyously attacked by the Opposition at the next session, without regard for context or for Guizot's services to the cause of liberalism. Mauguin assailed him with charges that the Centers resented as perversions of his meaning.²⁸⁶ Barrot declared that the wish was evident to found an exclusive system which would divide France into enemy castes.²⁸⁷ In the name of the middle class, he rejected such a monopoly of the victory of the Revolution. His solemn eloquence was never more effective than on this occasion. The Centers were shaken and the Opposition radiant.

But if Guizot's friends were nervous at seeing him ascend the tribune again to improvise a reply to the carefully considered attack,²⁸⁸ they were soon at ease. Taking up Barrot's charge that he had forgotten that the Revolution had been won by all the nation, "No," he cried, "I do not forget it. There are in our Charter rights which have been won for all. . . . They are the equality of public obligations, the equal admissibility to all public functions, the liberty of occupation, freedom of worship, the freedom of the press, individual liberty! . . .

"There is another fruit of those battles and of those victories; . . . it is the government of which you are a part, it is this Chamber, it is our constitutional monarchy; . . . Do you find that that is nothing? . . . Is it to be necessary, after that, to establish that absurd political equality, that blind universality of political rights which is at the bottom of all the theories that have been brought to this tribune? Do not say that I refuse, that I deny the French nation the fruit of its victories, the fruit of its blood shed in our fifty years of revolution. Evidently France does not mean to live always in revolution; she has surely counted that at the end of these combats, and for the security of all

²⁸⁵This is the briefest of summaries. The speech is very long. *Archives parl.*, CX, 444-451.

²⁸⁶5 May, *ibid.*, p. 481.

²⁸⁷*Ibid.*, pp. 488 ff.

²⁸⁸*Presse*, 6 May, 1837.

these rights that she has won, a regular, stable order would be established, a government free and sensible, capable of guaranteeing the rights of all by the direct and active intervention of that part of the nation which is truly fitted to exercise political powers. That is what I meant to say when I talked of the necessity of constituting and organizing the middle class. Did I assign limits to this class? . . . I carefully abstained from doing so; I have not distinguished it from the upper class, nor from the lower classes; I simply expressed the general truth that there does exist . . . a class to whom manual toil is not necessary, which does not live by wages, which has . . . liberty and leisure, which can devote a considerable part of its time and its abilities to public affairs, which possesses not only the necessary fortune for such a task, but also the enlightenment and the independence without which it could not be accomplished. When, in the course of time, this natural limit of political capacity shall be extended, when enlightenment, increase of wealth, and all the causes which change the state of society shall have rendered a greater number of men capable of exercising political powers with good sense and independence, then the legal limit will change. It is the perfection of our government that political rights, limited to those who are capable of exercising them, can be extended as the capacity is extended; and such is at the same time the admirable virtue of this government that it constantly provokes the extension of this capacity, that it continually encourages enlightenment, intelligence, independence everywhere. . . .

"How can you believe, how could anyone believe that it had entered my mind to constitute the middle class in narrow fashion, with privileges, to make of it something which should resemble the old aristocracies? Permit me to say, I should thereby have betrayed the opinions that I have always defended, the cause that I have had the honor to serve under your eyes and your mandate. When I applied myself to promote education in the country, when I sought to lift into the intellectual order the classes which live by wages, to give them the means of acquiring the knowledge of which they have need, it was, on my part, a sustained provocation to acquire more education, to mount higher; it was the beginning of that work of civilization, of that

general movement upward that it is human nature to desire, and the duty of governments to sustain. . . .

"They talk of democracy; they accuse me of failing to recognize its rights and its interests. Ah, gentlemen, . . . neither liberty nor laborious progress has satisfied democracy; it has wished to level, and that is why it has so often and so rapidly ruined the societies where it has ruled.

"As for me, I am of those who will fight the leveling process, under whatever form it shall present itself; I am of those who will call upon the entire nation continually to lift itself, but who will warn it at each instant that elevation . . . exacts capacity, intelligence, wisdom, diligence, and many other virtues to which all men are not equal."

(But this freedom to rise)—"you have no reason to demand it; you live in the midst of a society open to all advancement, to all the hopes of equality. . . . We have all, almost all of us, won our places by the sweat of our brow and on the field of battle. . . . We have won rights for our children, for our grand-children . . . for centuries to come . . . there is my cause for pride; there is true liberty, generous and fruitful, in place of this envious democracy, jealous, restless, quarrelsome, which wishes to abase everything to its level, and which is not content to see one head rise above others.

"That is my policy . . . that is the sense in which I use these words, middle class, and democracy, liberty and equality (For this policy) I have risked what one might hold most dear in public life; I have risked popularity; it is not unknown to me; . . . the honorable M. Barrot can recall a time when we served together, when we fought under the same banner. In those days, he may remember, I was popular; . . . I enjoyed it much, much; it was a sweet and agreeable thing; I renounced it I know that such popularity is not for the ideas that I defend to-day, for the policy I maintain; but I know that there is another popularity; it is the . . . confidence of those regulated and conservative interests that I regard as the foundation on which society rests. It is this confidence that I have come to desire, in the place of that other seductive and charming popularity that I once knew. I aspire to the esteem and the confidence of the

friends of order, of free and legal order, to the confidence of the men who believe that France is in possession of the rights and of the institutions that she has sought since 1789, and that the most important task before us today is to conserve and strengthen them."²³⁹

The audience was deeply stirred. Molé sat neglected and somewhat forlorn²⁴⁰ in the midst of the enthusiasm of the Centers for his former colleague, but none the less confident that he would soon show them that he knew how to govern without the Doctrinaires or M. Thiers either, for that matter.²⁴¹ It is scarcely fantastic to imagine that his shrewd and ungenerous thoughts ran on the futility of political principles and philosophies, on the folly of committing oneself to them in a changing world, and on the extra hazards of enunciating them in unforgettable eloquence.

But M. Guizot would have remained unperturbed had he divined these reflections, or even the misgivings of some of his old friends.²⁴² For had not the response of the Chamber to an unequivocal declaration of unpopular opinions been deeply gratifying? And it was with the Chamber that one must govern. Two hundred and six of the Deputies joined in asking permission to print the discourse for distribution to their constituents.²⁴³ After the session Thiers is reported to have made overtures to the Doctrinaires to unite to overthrow Molé at once.²⁴⁴ (But meeting no response from Guizot and on sober second thought, he made a speech instead at the next session in support of the cabinet.) The triumph of the tribune was echoed in the press.

²³⁹*Archives parl.*, CX, 495, 496.

²⁴⁰See indications in the report of the session of 5 May. *Ibid.*, pp. 474 ff.; and Molé to Barante, 6 June, 1837, *Souvenirs de Barante*, VI, 26.

²⁴¹See the letter just cited, and another of 16 Nov., 1837, in which, after declaring that it had been clear to him in the preceding spring that it was necessary to take a new course, he wrote: "That is what inflexible minds, judging everything by their own preconceptions instead of looking about them, have never been able to comprehend." *Ibid.*, p. 60.

²⁴²Barante to his sister, 19 May, 1837, *Souvenirs*, VI, 20; Mounier to Barante, 14 Aug., 1837, *ibid.*, p. 46.

²⁴³Guizot, *Mémoires*, IV, 279. His account of the episode recognizes the probability that the Conservatives were charmed by the noble rôle for which they were cast in his prophecy.

²⁴⁴Thureau-Dangin, *op cit.*, III, 186.

Even the *National*, while it combated Guizot's arguments, praised his honesty and courage at the expense of the ministers, of Thiers, and of Barrot.²⁴⁵ All hatreds ceased, all opinions united in praise, declared an editorial in the *Débats*: such a tribute was a reward for a lifetime of care and calumny.²⁴⁶

Thus not unpropitiously, in spite of the humiliating fiasco of the alliance with Molé, began a "parenthesis" in his political career of which Guizot wrote to Barante some months later that he expected it to be long: he would not be impatient to terminate it.²⁴⁷ He would stoop to no petty opposition; he would show that he was conservative in the interests of society and not his own.²⁴⁸ But when the Chamber should tire of the twistings and turnings and cheap devices of opportunist leadership, he would be ready with a consistent policy, "more conservative and more liberal than anyone else."²⁴⁹

²⁴⁵6, 7, 8 May.

²⁴⁶6 May.

²⁴⁷18 Dec., 1837, *Souvenirs de Barante*, VI, 62.

²⁴⁸Mounier to Barante (reporting a conversation with Guizot) 15 Nov., 1837, *ibid.*, 57.

²⁴⁹Guizot to Barante, 14 June, 1836, previously cited p. 186.

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THE ORIGINS OF THE PARAGUAYAN WAR

PART I

By

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PREFACE

The following study of an important but little explored phase in the history of four South American nations was written in its original form as a thesis presented in partial fulfilment of the requirements for the degree of Doctor of Philosophy of the University of Illinois. It was based on the researches I began during the two years, 1925-27 which I spent as a Commonwealth Fund Fellow at that University. Subsequently I revised and expanded the thesis in the light of further researches at the Public Record Office, London, and at the British Museum.

My thanks are due to the Honorable Frank B. Kellogg, formerly Secretary of State of the United States, for permission to examine the archives of the Department of State, Washington, D.C. Also to Dr. Tyler Dennett, Chief of the Division of Publications of the Department of State. An expression of my gratitude is owing to Mrs. Summers and Mr. Estes of the Bureau of Indexes and Archives of the Department of State for their courtesy and unfailing assistance.

I wish to take this opportunity of thanking the officials of the Library of Congress, Washington, D.C., of the Public Record Office, and of the British Museum for their constant consideration and helpful kindness.

I desire to put on record my indebtedness to that great and generous scholar, the late Dr. Oliveira Lima. He personally assisted me in the exploration and use of the wonderful Ibero-American Library—his munificent gift to the Catholic University of America, Washington, D.C.

To Professor J. Fred Rippy of Duke University, North Carolina, for suggestions regarding material in the Public Record Office, and to my brother Mr. Herbert Box of the University of Aberdeen, Scotland, for the valuable advice and technical assistance he has afforded me, my cordial thanks are due.

I owe profound gratitude to my teacher, Professor W. S. Robertson of the University of Illinois, under whose direction my investigation was begun, and without whose guidance, encouragement, generous interest, and helpful criticism the present work would never have been brought into shape.

PELHAM HORTON BOX

Sutton Rectory, Near Sandy, Bedfordshire, England
November, 1929

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CHAPTER I

PARAGUAY AND HER NEIGHBORS, 1810-1853

In so far as the origins of the Paraguayan War have received any consideration by English writers, it has been for the most part in brief and passing judgments usually dominated by the chief English source—the testimony of Charles Ames Washburn, first American Minister accredited to Asunción.¹ Washburn's experience of "diplomacy under difficulties" probably inclined him to what may be called the demoniac interpretation of history. His book is dominated by successive villains and heroes. The most important part of his work revolves around his two favorite "monsters"—Dr. Francia and Francisco Solano López.

Probably it is for this reason that we so often find that great political explosion in the history of Latin America, the Paraguayan War, 1864-1870, regarded in the light of a single man's personality and aberrations. Francisco Solano López is described as challenging to mortal combat Brazil, Argentina, and Uruguay, who combined in legitimate self-defense against the madman who, like the old man of the mountain, the first "assassin," terrorized his own people into abject submission and then exploited them in a predatory expedition against his neighbors.

The patent fact that the figure of Francisco Solano López looms heroically through the flying fires of Paraguay's incomparable resistance to the overwhelming forces of the Triple Alliance has lent color to this view of the great struggle. It is scarcely necessary to state that like all purely personal interpretations of history this will not bear the test of a close examination.

The origins of the Paraguayan War lie in the growth and establishment of the two states that are now fast qualifying for the rank of great Powers—Argentina and Brazil. It may be regarded as an episode in the establishment of Argentine nationality or as a phase in the economic development of Brazil. It is an event immensely significant in the history of the lands east of the Andes and south of the Amazon.

¹Washburn, *History of Paraguay with Notes of Personal Observations and Reminiscences of Diplomacy under Difficulties*.

Since Paraguay was the detonating point of the great explosion, it is necessary to indicate briefly the origin of this small but tenacious nation. Political and economic isolation and the long discipline of the Jesuits had prepared the Guaraní people of the Province of Paraguay for the assertion of independence in 1811. Long tariff wars with Buenos Aires (which the Imperial power of Spain had not been able to control) had generated in the hearts of the Paraguayans an instinctive hatred of the *Porteños*.² Hence their independence dawned first as mere self-assertion against Buenos Aires. The great city had revolted against Spain—that was a good reason why Paraguay should remain loyal to Ferdinand VII. Buenos Aires followed up her invitation to Paraguay to join in the struggle against Spain by dispatching Belgrano with an expeditionary force which came to grief ignominiously at the battle of Tacuarí. Paraguay still under the leadership of the Spanish Governor, Don Bernardo de Velazco, found herself master of her destinies; in other words, the revolution of May 25, 1810, at Buenos Aires, had precipitated the disruption of the far flung viceroyalty of Buenos Aires. At Tacuarí the Paraguayans had asserted their nationality; Dr. Francia was to canalize the feeling that had driven his countrymen to arms against the *Porteños* and that he passionately shared. The Paraguayan nation is his life-work and his legacy.

There are few stranger figures in modern history than José Gaspar Rodríguez de Francia, Doctor in Sacred Theology of the University of Córdoba de Tucumán; Professor of Dogmatic and Moral Theology and of Latin at the Royal College of San Carlos at Asunción; and then for many years the “sea-green, incorruptible” advocate, the efficient municipal administrator, whose reputation made him the man of destiny in the hour when Paraguay had need of all her sons.³

He became secretary to the Provisional Junta, and as such his iron will compelled his colleagues to set up a government avowedly independent both of Spain and of Buenos Aires. For some

²Moreno, *Estudio sobre la independencia del Paraguay*, I, 41-47.

³Wisner, *El dictador del Paraguay Doctor José Gaspar Rodríguez de Francia*, pp. 1-10

Rengger y Longchamp, *Ensayo histórico sobre la revolución del Paraguay* (Pelliza edition), *passim*.

Garay, *La revolución de la independencia del Paraguay*, pp. 205-6.

time, however, Paraguay in her state papers is styled a Province, not a Republic,⁴ and a treaty adumbrating a federation was concluded with Buenos Aires on October 12, 1811. In 1813 Dr. Francia was one of the two Consuls of the Republic of Paraguay; in October, 1814, he was elected Dictator for five years by the Paraguayan Congress, and in 1816 a Congress of a thousand deputies unanimously elected him Dictator for life.⁵ From that date until his death at the age of seventy-four in September, 1840, Dr. Francia ruled in Paraguay and, it must be added, ruled with the consent of the Paraguayan people.

Obscure as is the history of Paraguay under Dr. Francia, the social foundations on which the great Dictator built are clearly discernible. For many years before the revolution he had made himself conspicuous by his intense antipathy for the Spanish aristocracy and their creole counterparts. As a famous and incorruptible lawyer, Dr. Francia had made himself feared where he was not respected. He won the passionate veneration of the depressed classes whose cause he was never weary of defending. The Guaraní population was the veritable foundation of his dictatorship; the aristocracy and bourgeoisie, Spanish and native alike, were its only enemies. He was remorseless in crushing his enemies, who were also the exploiters of the Guaraní peasantry, and with true revolutionary insight grasped the importance of the confiscation of property in overthrowing the dominance of a class. The transference of property is, he realized, more effective than death. His terrorism succeeded because, like all successful terrorisms, it was directed against a small though important section of the population. He was secure save against the few; hence the smallness of the military establishment he found necessary, and hence also his far-flung system of espionage. His enemies had friends outside Paraguay and inevitably among the Porteños. And so the vindication of Paraguayan independence was the complement of the social revolution within the new state.

⁴There seems to have been no formal declaration of independence at the time of the revolution, *Archivo diplomático y consular del Paraguay*, I, 8.

⁵Báez, *Resumen de la historia del Paraguay*, p. 56.

Garay, *Compendio elemental de historia del Paraguay*, pp. 136-39.

The dictatorship of Dr. Francia was broad-based, like that of Louis Napoleon, on the consent of the peasantry.

The revolution at Buenos Aires was a middle-class revolution fired by theories that had culminated in revolutionary France. It was also directed against the effete Spanish aristocracy and the bureaucratic machine that cramped the energies of the native bourgeoisie. Its proclamation of liberty spelt in reality the supremacy of the city over the country, whether the city were Buenos Aires or Asunción, and the freedom of the urban commercial bourgeoisie from the legal restraints of the old régime.

The creole bourgeoisie of Asunción overthrew Don Bernardo Velasco, the Spanish Governor, only to be overthrown in their turn by the genius of Dr. Francia who mobilized the Guaraní hatred of the Spaniard and creole, whether aristocrat or bourgeois, Asunciónese or Porteño.

In the case of Paraguay the social and national revolutions are interwoven. One sees the emergence of a new class, the Guaraní peasantry, whose organ Dr. Francia is; not the mere stretching of the cramped limbs of an already powerful urban bourgeoisie that throws off the last remaining shackles of an outworn control.

All such systems as that founded by Dr. Francia and continued and developed by his two successors of the López dynasty must be characterized by "paternalism" and the omnipotence of the state. Such systems exist to prevent the growth or continuance of that complex of vested interests produced by private enterprise whose liberty is cardinal to bourgeois régimes. Therefore such liberty is replaced by state control and bureaucracy. The logical outcome of such control is the state socialism represented by the government monopoly of yerba under Francia, extended to tobacco under Carlos Antonio López, who thus excluded the two staple products of the country from the operations of *laissez faire*. In the later phases of the dictatorship something approaching a state monopoly of foreign trade was established in Paraguay.⁶ The growth of an independent trading and commercial middle class was thus prevented and a fascinating social evolution begun in that land that had already witnessed the rise and progress of the Jesuit Communist Empire.

⁶Consul Henderson to Clarendon, Asunción, January 15, 1855, report, Foreign Office Correspondence, 59.13.

His all but undisputed power and the extraordinary policy of "Japanese" isolation, which is associated with the name of Dr. Francia are unintelligible except in terms of the master-idea to which he devoted his genius and in pursuit of which his people had willingly accepted the surrender of all their liberties. The creation of an independent Paraguayan state in the teeth of circumstance was a work which required supreme sacrifices—sacrifices which Paraguayan patriotism was prepared to make then and later.

At first the great Dictator dreamed of developing Paraguayan trade overseas,⁷ but the covert hostility of Buenos Aires, against whose opposition he was never able to vindicate his claim that Paraguayan produce should be permitted to pass free of all intermediate duties and tolls, defeated his efforts. In other words, he claimed the freedom of the Río de la Plata and its great tributaries, the Paraná, the Paraguay, and the Uruguay, as international waterways. His difficulties increased with the years. Artigas, the hero of Uruguayan independence, rose against the Governor of the United Provinces of the Río de la Plata at the beginning of 1814 and established his precarious sway in Corrientes, Entre Ríos, and Santa Fé. At first Dr. Francia succeeded in establishing relations of friendly understanding with Artigas. But the subordinate chiefs of that *caudillo* were not long in acting for themselves. Dr. Estanislao López in Santa Fé, Erenú and subsequently Ramírez in Entre Ríos and Andrecito in Corrientes, when they did not seize and confiscate Paraguayan vessels and cargoes outright, imposed enormous duties and exactions as the price of allowing them to proceed to Buenos Aires. These depredations assumed in time the character of veritable piracy, and neither Dr. Francia nor Artigas were able to check them substantially.⁸

His discovery in 1820 of a great conspiracy, in which many members of the discontented Spanish upper class were in touch with Don Francisco Ramírez, who had just overthrown Artigas, his former chief, and was now master of Corrientes, induced a dramatic change of policy. The revelations of Artigas, who took

⁷Robertson, *Letters on Paraguay*, II, 279-85

⁸Confidential memorandum of F. S. López to Clarendon, London, November 9, 1853, F.O., 599.

refuge in Paraguay and threw himself on the mercy of his old enemy, Dr. Francia, as to the spread of anarchy in the neighboring provinces and the information he so ruthlessly extorted by torture from the conspirators convinced the Dictator that if Paraguay was to be saved she must be cut off as far as possible from contact with the Argentine provinces convulsed with civil wars.⁹

That he regarded the Argentine provinces and above all Buenos Aires—the heir of the old viceroyalty—as the arch-enemy is proved by his readiness to cultivate good relations with Brazil, whose independence he was prompt to recognize. In January, 1822, he entered into commercial relations with Brazil through the port of Itapúa on the Paraná. In 1824 a Brazilian envoy, Coireia da Camara, was received by him at Asunción, and was in 1826 raised from Consul to the rank of Minister.¹⁰ In 1827 Brazil endeavored to persuade Dr. Francia to invade Corrientes in co-operation with the forces of the Marquis Barbacena, but he declined and so spared his country participation in the disastrous war between Argentina and Brazil that culminated in the defeat of Brazil at Ituzaingó. The news of the battle confirmed the Dictator in his resolution to sever all communications, economic or political, with Buenos Aires and the provinces under her influence.¹¹ At the same time, since he would not tolerate any external influence and resented the attempt of Brazilian diplomacy to drag Paraguay into the political maelstrom of the Río de la Plata, he courteously secured the removal of the Brazilian Minister, and thereafter confined all Brazilian agents, commercial and diplomatic, to Itapúa whence they could forward their goods or their communications.¹²

By 1829 "the system" which Dr. Francia had proudly vindicated in 1825 to Simón Bolívar in his answer to the Liberator's invitation to Paraguay to abandon her isolation was complete.¹³ "Asunción presented the appearance of a blockaded port with

⁹Wisner, *op. cit.*, pp. 106-7.

¹⁰Campos, *Relações diplomaticas do Brasil*, p. 81, Quesada, *La política argentino-paraguaya*, p. 11.

¹¹Wisner, *op. cit.*, p. 138.

¹²Báez, *Ensayo sobre el doctor Francia*, pp. 99-100.

¹³Garay, *Compendio*, p. 157.

more than a hundred vessels lying in dock, all in a dilapidated condition."¹⁴

The care and foresight the Dictator had devoted to the development of Paraguayan agriculture were rewarded by astounding crops in 1833. Maize, wheat, peanuts, potatoes, sweet potatoes, various kinds of vegetables and sugar were bumper crops; cotton, that up to that date had been imported from Corrientes, produced an enormous yield, tobacco gave a crop of 70,000 quarters and Paraguayan tea one of 400,000 quarters.¹⁵

The slight trickle of trade with Brazil through Itapúa could not absorb such a glut, and to avert the wholesale rotting of the perishable produce the Minister of Finance ventured to suggest to the Dictator that, in view of this production and the promise of the like in future years it would be an enormous advantage to open the ports and establish an interchange of goods with those countries willing to enter into commercial relations. Dr. Francia's reply is the classical formulation of his policy:

... he recognized the advantage the country would obtain by the exportation of such products as were surplus, but not yet had the germ of anarchy in the neighboring states been extinguished; on the contrary, it was every day gathering greater energy through the purely personal struggles of the factions seeking power and continuing one and all to conspire against the independence of Paraguay which must be preserved at all costs; this was the reason that had decided him to continue his policy of non-intercourse, above all since Paraguay had no need of those countries and was self-supporting.¹⁶

In 1827 Dr. Francia organized a standing army of some 5,000 men with a reserve of another 20,000.¹⁷ His 5,000 were sufficient to guard the inviolable frontiers of his beloved Paraguay. And so when the Dictator died in 1840 he had given his country twenty-eight years of unbroken peace at a time when his neighbors were racked by internal revolution and war. He had done this without militarizing Paraguay; since his aim was truly defensive, he found an army of 5,000 enough even amid a world in arms. In the silence by which he encompassed her the Paraguayan nation grew in population and self-consciousness and strength. He was proudly indifferent to the judgment of hostile contemporaries,

¹⁴Wisner, *op cit*, p. 144.

¹⁵*Ibid.*, p. 150.

¹⁶Cited *ibid.*, p. 152.

¹⁷Thompson, *The War in Paraguay*, p. 24.

and they retaliated by spreading abroad a version of his life and policy that has wrapped his name in a lugubrious and sinister renown. Yet we are coming to see that Dr. Francia and his Paraguay are true children of the Latin-American Revolution:

America does not know the story of that land save as it is related by its rivals. The silence of isolation has left calumny victorious . . . Dr. Francia proclaimed the independence of Paraguay of Spain and preserved it against her neighbors by isolation and despotism; two terrible means that necessity imposed on him in the service of a good end . . .¹⁸

The enemies of Dr. Francia had prophesied a general revolution in Paraguay on his death.¹⁹ There was not the slightest disturbance. Dr. Francia's Secretary, Policarpo Patino, and a number of army officers constituted a governing Junta until the summoning of a National Congress to dispose of the executive power it had in 1816 conferred upon the Dictator. The Congress reverted to the pattern of Consular Government and elected two Consuls, Carlos Antonio López and Mariano Roque Alonzo, to wield the enormous powers of the executive.

With the election of the two Consuls begins a complete reversal of foreign policy to which are traceable many of the later difficulties and disasters of Paraguay. López and Alonzo were bent on breaking out of the isolation of Dr. Francia at the very moment when such a change of policy was most dangerous.

Since 1839 the Province of Corrientes, lying south of Paraguay and across the Paraná, had been in revolt against Rosas, the tyrant of Buenos Aires and head of the Argentine Confederation, to whom the provinces in 1835 had committed the management of foreign affairs. The relations of the great Argentine Dictator with Dr. Francia had been necessarily slight but certainly not unfriendly. Seeing the non-intervention policy of Paraguay, Rosas was quite willing to respect her integrity and independence. It suited him admirably in the course of his favorite pastime of hunting "unitarian savages" that Paraguay refused to constitute herself either an asylum or a base of operations for his political enemies. In 1840, on Francia's death, Rosas had ordered an eulogy of the Dictator because of his policy of non-intervention

¹⁸Alberdi, *Las disenciones de las repúblicas del Plata y las maquinaciones del Brasil*, p. 184.

¹⁹Robertson, *Letters on Paraguay*, *passum*.

in the Argentine provinces to be inserted in the *Archivo Americano*.²⁰

In their anxiety for an egress from their present position the Consuls proceeded to enter into relations with the insurgent Province of Corrientes in clear violation of international law. On July 31, 1841, less than a year after the death of Dr. Francia, they signed at Asunción a treaty of friendship, commerce, and navigation with the plenipotentiaries of General Pedro Ferré, Governor of Corrientes.²¹ On the same day they signed a provisional boundary treaty with the same Province chiefly relating to the demarcation of jurisdictions in the territory of the Misiones. In the Preamble they admit that a final frontier line cannot be established since Corrientes represents only "an integral part of the Argentine Republic."²²

Such preliminaries could scarcely be favorable for the establishment of good relations with Rosas; in other words, with the central government of Argentina with whose rebellious but "integral part" the Consuls had been negotiating.

On November 25, 1842, the Paraguayan Congress fortified its executive by a solemn declaration of independence, the constructive assertion of 1811-12 not being regarded as sufficient. Accordingly in December, 1842, the Consuls communicated the Declaration of Independence to Rosas and asked him to recognize it. On April 26, 1843, Rosas replied that "because of the circumstances through which the Confederation was passing²³ he was not able to accord this recognition; but at the same time he asserted that never would the arms of the Argentine Confederation disturb the peace and tranquillity of the Paraguayan people."²⁴

The fact that emerged was that the Argentine Dictator regarded the treaties with Corrientes as hostile to the Confederation; but while he was in no mood to recognize the independence

²⁰Wisner, *op. cit.*, pp. 145, 167-8; Báez, *Resumen*, p. 77.

²¹*Archivo diplomático y consular del Paraguay*, I, 11-13.

²²*Ibid.*, pp. 15-17.

²³The alliance of Rosas with Oribe and the beginning of the siege of Montevideo. This intervention in Uruguay provoked a protest from England and France—the forerunner of their intervention in the River Plate.

²⁴Báez, *Resumen*, p. 72.

of Paraguay he did not desire as yet to antagonize her completely.

On August 30, 1843, the Consuls replied to the enigmatic note of Rosas by a protest against his refusal of recognition, which concluded somewhat tamely by expressing the hope that the Government of Buenos Aires would not do anything to hinder commerce between the two countries, a protest which for a time Rosas left unanswered.

On March 14, 1844, Carlos Antonio López was elected President of the Republic of Paraguay, and Rosas availed himself of this opportunity to reply to the protest of the Consuls of August 30, 1843. In a note dated March 27, 1844, he reiterated his refusal to recognize the independence of Paraguay, but asserted his friendly disposition and agreed to the principle of free navigation for ships passing up the Paraná to and from Paraguay, reserving, however, the case of necessity arising out of the continued hostility of the "unitarian savages" of Corrientes toward the Government of the Argentine Confederation.²⁵

In spite of his refusal to recognize the independence of Paraguay Rosas was anxious to secure her neutrality in the Argentine civil war and was, accordingly, complacent in his attitude to other requests of the President of Paraguay. He agreed, for instance, to sell him arms: 1,000 carbines, 1,000 pistols, and 1,000 sabres.²⁶

Carlos Antonio López had not yet learned his characteristic caution. He was genuinely alarmed at the unexpected attitude of Rosas, which he construed as another threat to Paraguayan independence from the hated Portefíos. So he was thrown back into the arms of Corrientes and in view of certain difficulties over the former treaty negotiated another of navigation and commerce with that Province which, he signed with Governor Joaquín Madariaga at Corrientes on December 2, 1844. This treaty went so far in the assumption of sovereignty that it regulated the right of search and of seizure of "enemy vessels."²⁷

Rosas was so enraged at this new example of the unfriendly attitude of Paraguay that he issued his famous decree of January 8, 1845, denying to any vessel the right to leave any port of

²⁵*Ibid.*, p. 73

²⁶*Ibid.*

²⁷*Archivo diplomático y consular del Paraguay*, I, 29-31.

the Argentine Confederation or Buenos Aires for Paraguay or Corrientes, and equally denying the right of entry to any vessel coming from those two regions.²⁸ On February 21, 1845, he instructed his Minister at Rio de Janeiro, General Guido, to protest formally against the recognition by Brazil of the independence of Paraguay on September 14, 1844.²⁹ On January 17, 1845, General Oribe, the ally of Rosas in the nine years' siege of Montevideo, issued a decree prohibiting Paraguayan commerce by way of the Río Uruguay across the region known as the Misiones. The embargo was completed by the decree of April 16, 1845, that prohibited the introduction into the confederation of Paraguayan articles by land or water.³⁰ As a result of the Consular and Presidential diplomacy of Paraguay that country now found herself in a state of practically complete blockade—commerce was cut down to the exiguous trickle that Dr. Francia had permitted over the Brazilian frontier.

Quite apart from the alliance with Corrientes that had proved so unfruitful, there were not lacking other powerful influences to push Paraguay into war with Rosas. As we have seen, Brazil had recognized what may be called the second independence of Paraguay on September 14, 1844. The Brazilian envoy, Senhor Pimenta Bueno, had been received at Asunción on August 19, 1844; by October 7 he had constructed a treaty with President López to which we shall have later to return in greater detail. The treaty with Paraguay is an episode in Brazil's first campaign against Rosas. Some of the clauses are worth paraphrasing.

Article II. His Majesty the Emperor of Brazil, who has already recognized the independence and sovereignty of the Republic of Paraguay, will interpose his efficacious and good offices in order that the other Powers may recognize equally and as soon as possible the same independence and sovereignty of the Republic.

Article III. In case the Republic of Paraguay is menaced by a hostile attack, His Majesty the Emperor of Brazil will employ all his forces not only to prevent hostilities, but also to secure for the Republic just and complete satisfaction for the injuries received.

²⁸Báez, *Resumen*, p. 73. This precipitated the Anglo-French blockade of the Río de la Plata.

²⁹*Ibid.*, p. 74.

³⁰Garay, *Compendio*, pp. 189-190.

Article XII. The navigation of the rivers Paraná and Paraguay in the whole extent of the two states and dominions is guaranteed to the two Powers and their subjects.

Article XXIII The high contracting parties promise to work in common accord and exert all their activities in order to secure for their subjects the freedom of navigation of the Río Paraná as far as the Río de la Plata.

The treaty contains a little of everything and, after providing for the pursuit of pirates and the extradition of criminals and fugitive slaves, culminates in a penultimate Article XXXV agreeing to nominate commissioners to examine and determine the frontiers indicated by the boundary Treaty of San Ildefonso of October 1, 1777, "in order that the definitive frontiers of both states may be established."²¹

As yet Rosas had taken no military action against Paraguay, but Brazil by dint of much protestations had persuaded López that he was threatened. To prove to him what a serious view the Emperor took of the situation, Brazilian diplomacy busied itself in securing formal recognition of the independence of Paraguay from foreign powers. Bolivia, Venezuela, and Austria acceded to the invitation. The United States, England, France and Sardinia declined. As we shall see, the promise to determine the Brazilian-Paraguayan boundary in the light of the Treaty of San Ildefonso was a great bait and served the purpose of the proverbial carrot. What Brazil wanted was to compromise Paraguay with Rosas, and that López proceeded rapidly and effectively to do.²² The treaty remained unratified by the Emperor.

As we have seen, the Treaty of Paraguay with Corrientes of December 2, 1844, drove Rosas to inaugurate his "continental system" against Paraguay. To such a blockade war was the only reply for any Paraguayan statesman less penetrating than Dr. Francia, and on November 11, 1845, López concluded an offensive and defensive alliance with Corrientes against the Argentine Confederation. The treaty stipulated for the surrender to Paraguay of the territory of Eastern Corrientes in the

²¹*Archivo diplomático y consular del Paraguay*, I, 19-28

²²Báez, *Resumen*, p. 77. For a radically different interpretation of the treaty of October 7, 1844, see Quesada, *La política argentino-paraguaya*, p. 11. For Quesada the treaty is "el triunfo más espléndido de la diplomacia paraguaya."

Misiones region as well as of the Tranquera de Loreto and the Puntas del Río Aguapey. Paraguay was to aid Corrientes against Rosas with 10,000 men, and the direction of the war was to be in the hands of the allied general from Entre Ríos, José Eltazía-Paz.⁸³

It will be noticed that even the faint pretense of legality maintained in the "Provisional treaty of limits" with Corrientes, signed July 31, 1841, is given up. The plain fact was that the Government of Corrientes had no authority to cede the territory of the Argentine Confederation.⁸⁴ But already Carlos Antonio López had embarked on those deep intrigues that were to win him and Paraguay the uncompromising hatred of Buenos Aires. In order to construct the alliance of November 11, 1845, between Corrientes and Paraguay, Governor Madariaga and General Paz had sent as envoy to Asunción, Dr. Santiago Derqui, who thirteen years later was to become President of the Argentine Confederation in the last phase of its struggle with Buenos Aires. In the course of the negotiations López, on the covert suggestion of the Brazilian Minister, Pimenta Bueno, proposed as a condition of the alliance that Entre Ríos and Corrientes should declare themselves independent of the Argentine Confederation and constitute themselves an independent state. Here quite clearly López was acting as the tool of Brazil. The plan for a further segregation of the former viceroyalty of Buenos Aires into independent states was an old favorite with the Brazilian chancellery haunted by a prophetic vision of a great Argentina. The idea had been formulated by the Vizconde de Abrantes in 1810; Artigas had later been converted to it; Brazil had communicated it to Dr. Francia, who rejected it, vigorously refusing to be the tool of Brazilian policy; now López accepted it and proposed it to his allies.⁸⁵

On December 4, 1845, López issued his declaration of war on the tyrant Rosas, and early in 1846 a Paraguayan force of 5,000 men under the command of the President's son, Colonel Francisco Solano López, then aged 19, crossed the Paraná and entered Corrientes. The President was careful to make clear that the

⁸³Martínez, *Historia de la provincia de Entre Ríos*, II, 611; *Archivo diplomático y consular del Paraguay*, I, 35-38.

⁸⁴Beverina, *La guerra del Paraguay*, I, 41.

⁸⁵Báez, *Resumen*, p. 78.

war would be a personal one against Rosas and not against the Argentine people. This compliment the Government of Mitre returned in 1865 in formally declaring that Argentina was not making war on the Paraguayan people but on the tyrant Francisco Solano López.⁸⁶

On this occasion at least the redoubtable Francisco Solano López enacted the rôle of the proverbial Duke of York. After a brief period of "co-operation" with his allies, on February 4, 1846, their vanguard was defeated by federal troops commanded by General Urquiza. Rosas, who had been sufficiently alarmed by the Paraguayan invasion to set in motion the idea of mediation between him and López by the United States, at once changed his tone. The Paraguayan contingent recrossed the Paraná without firing a shot but after an exchange of recriminations with their allies; General Paz withdrew from the scene, and Corrientes was restored to her allegiance by Urquiza at the battle of Vences.⁸⁷

Rosas was prevented by his international complications with France and England from following up his victory over Corrientes by instructing Urquiza to cross the Paraná. He felt it would be better on the whole to keep Paraguay on hand as a mild permanent crisis. The great Dictator is said to have believed in and practised the political system, afterwards so brilliantly exploited by Mr. Lloyd George, of solving one crisis by precipitating another. So he contented himself with making Carlos Antonio López' flesh creep from time to time, though there is no evidence that he even made serious preparations for the invasion of Paraguay. In a message to the Congress of the Argentine Confederation on December 27, 1847, Rosas said:

The Government of the Province of Paraguay still cherishes the senseless design of separating itself from the Confederation. It continued its acts hostile to the republic and concluded warlike treaties against us with the savage unitarian rebels up to a time shortly before the complete rout of the latter.⁸⁸

In 1848 Rosas, through the Foreign Minister of the Confederation, Felipe Arana, instructed Benjamin Virasoro, Governor of

⁸⁶Martínez, *op. cit.*, II, 558.

⁸⁷Garay, *op. cit.*, p. 191; Báez, *Resumen*, pp. 78-9.

⁸⁸Cited in Herrera, *La diplomacia oriental en el Paraguay*, I, 164.

Corrientes (after the Battle of Vences) that if he received any communications from the President of Paraguay he was to answer them under the following form of address: "To the Governor and Captain General of the Province of Paraguay."³⁹ On learning that Austria had recognized the independence of Paraguay, Arana addressed a long note of protest to the Court of Vienna in which he maintained that Paraguay was still an integral part of the Confederation by the following extraordinary assertion:

... the isolation in which it remains originated in purely domestic causes which remove the least shadow of a suspicion (*alejan hasta la más leve sombra*) that it entertained the thought of setting itself up as an independent state. Besides, the Argentine Republic always preserved its rights over the territory of Paraguay and regarded and regards it as one of the Argentine provinces.⁴⁰

Confronted by the fiasco of his expedition to Corrientes, López dispatched Señor Gelly to Rio de Janeiro in 1846 to ask for Brazilian protection against Rosas and for a settlement of the boundary question between Paraguay and Brazil. In 1847 the envoy, at the request of the Brazilian Foreign Minister, produced two treaty projects: one an offensive and defensive alliance against Rosas, the other, to which we shall have to return later, dealing with boundaries. Brazil proceeded to shelve them both. At the moment she had great expectations of the Anglo-French intervention in the Río de la Plata against Rosas. If the demon could be exorcised by the two greatest powers in Europe, Brazil need not compromise herself by flirting with Paraguay. To such lengths did Brazilian complacency go that when in 1849 Señor Gelly requested the Brazilian Minister of Foreign Affairs to grant a passport to his compatriot, Colonel Bernardino Báez, the Minister refused it under pressure from Guido, the representative of Rosas, who asserted that Báez was an Argentine citizen because Paraguay was a Province of the Argentine Confederation. Wherefore the Paraguayan envoy left the Court of Rio de Janeiro.⁴¹

³⁹Note of February 7, 1848, cited in Herrera, *op. cit.*, I, 167.

⁴⁰Note of January 13, 1848, repeated October 19, 1849, cited *ibid.*, I, 168-9.

⁴¹Báez, *Resumen*, p. 80, citing "El Paraguay independiente," no. 95.

His ill-success with Brazil led López to carry out a volte-face and seek an accommodation with Rosas. On October 16, 1849, his Foreign Minister addressed a note to the Argentine Foreign Minister in which he proposed the following astounding terms of a settlement with the Argentine Confederation:

- (1) The renewal of the Treaty of October 12, 1811.
- (2) A fixed rule for the navigation of the liminary rivers to be drawn up.
- (3) The question of boundaries to await the meeting of the General Congress of the Argentine Confederation.
- (4) The recognition of the independence of Paraguay to be deferred till the meeting of the said General Congress.
- (5) A treaty of defensive alliance pledging the contracting parties to afford each other mutual aid against any enemy that might attack one or the other country.⁴²

This dramatic overture to Rosas had been preceded on June 10 of the same year by a warlike flourish. In a proclamation to the people López explained that the blockade was intolerable and an easier contact with Brazil and the outside world must be sought:

The national government sees itself forced to break the isolation of the republic by land and to re-establish its correspondence and innocent commerce with the Empire of Brazil . . .

The easiest exit was across the Misiones territory (between the Ríos Paraná and Uruguay in dispute with Argentina) to the Río Uruguay and so on to the Brazilian Province of Rio Grande do Sul. Accordingly an army under Francisco Solano López occupied the left bank of the Río Paraná.⁴³

The reoccupation of the Misiones and the overture for an alliance if not something closer, since the Treaty of October 12, 1811, was to be revived, merely moved Rosas to characteristically Gargantuan mirth. He was now sure of being shortly rid of the Anglo-French menace and feared neither Paraguay nor Brazil. On March 19, 1850, he secured the following decree from his obedient Legislature:

The most Excellent Governor and Captain General of the Province, Don Juan Manuel de Rosas, is authorized to dispose without any restriction of all the funds, revenue and resources of all kinds of the

⁴²*Ibid.*, p. 81, citing "El Paraguayo independiente," no. 92.

⁴³Cited in Herrera, *op cit.*, I, 170-1.

Province until the reincorporation of the Province of Paraguay in the Argentine Confederation has been effected.⁴⁵

López, since he could come to no agreement with his neighbors, had evidently determined to pursue an independent policy. Learning that Brazilian authorities of Matto Grosso had encroached on the disputed territory lying to the north of Paraguay, by establishing there two posts at Fecho de Morros and Pan de Azucar, he initiated a brief negotiation with Senhor Bellegarde, the Brazilian Minister at Asunción.⁴⁶ Failing to get satisfaction he dispatched an expedition that after a brief engagement dispersed the Brazilian garrison on October 14, 1850.⁴⁶ In spite of her resentment Brazil swallowed her wrath, for the failure of the Anglo-French intervention against Rosas left her face to face with her old enemy, and she had need of all possible allies.

On December 25, 1850, a treaty of alliance between Paraguay and Brazil was signed at Asunción obliging both countries to lend mutual aid in case either was attacked by the Argentine Confederation. Brazil was to exert her good offices in securing the recognition of the independence of Paraguay. In the event of an Argentine attack on the Rio Grande do Sul, Paraguay pledged herself to occupy the Misiones with 4,000 men. The Governor of Rio Grande do Sul was authorized to co-operate with Paraguay as soon as the menace materialized. Paraguay agreed to co-operate with the Emperor in maintaining the independence of Uruguay so far as the position and circumstances of the former permitted. The treaty was to last six years from the date of the exchange of ratifications, April 26, 1851, and was to be kept secret.⁴⁷

Five days after the exchange of ratifications of this treaty in Asunción the situation in the Río de la Plata was transformed by the great *pronunciamiento* on May 1, 1851, against Rosas by Justo José de Urquiza, Governor of Entre Ríos, allied with Virasoro, Governor of Corrientes. The rebel Governors dispatched Dr. Nicanor Molinas to ask for the alliance of Paraguay and the aid of her forces to the number of 8,000 men—at the same time

⁴⁵Cited in Báez, *Resumen*, p. 81.

⁴⁶Garay, *op. cit.*, pp. 196-7.

⁴⁷Quesada, *op. cit.*, p. 21.

⁴⁸*Archivo diplomático y consular del Paraguay*, I, 39-44.

demanding the return to Corrientes of the Misiones territory and the Island of Apipé occupied by the Paraguayan forces.⁴⁸ López replied dryly that he did not care whether Rosas or Urquiza was at the head of the Argentine Confederation, since he was prepared to maintain his independence against anyone. At the same time he somewhat naïvely announced that a principle of the Paraguayan Government was to refrain from intervening in the organization of any foreign government.⁴⁹

On May 29, 1851, the representatives of Brazil, Montevideo, Entre Ríos, and Corrientes met in Montevideo and signed a treaty pledging their common efforts to the destruction of Rosas. On October 14, Paraguay, at the instance of Brazil, who had as it were reserved a seat for her in the alliance, received an invitation to join the crusade. By this time López had realized his mistake in harboring suspicions of Urquiza's intentions and returned a favorable answer. But he was reluctant to embark on a distant adventure, and in effect Paraguay did nothing. In a brilliant campaign Urquiza raised the nine years' siege of Montevideo by the defeat of Oribe, Rosas' lieutenant in Uruguay, and, recrossing the Paraná with an allied army of 26,000 men, shattered the last forces of the tyrant at the "crowning mercy" of Caseros. López in his official organ was to claim credit for the moral pressure his attitude had brought to bear on Rosas, which had hindered the latter from conquering Montevideo and Corrientes, but Brazil never forgot the aloofness of Paraguay in this crisis.⁵⁰

The objective of the Empire in constructing the alliance of 1850 and forcing the recognition of Paraguayan independence upon her allies was two-fold. First, to prevent at all costs her nightmare of a reconstructed viceroyalty of Buenos Aires, then to achieve the freedom of the River Plate. Both objectives were won at Caseros. On July 17, 1852, the Argentine Confederation recognized the independence of Paraguay. Brazilian influence was in the ascendant in the lands of the Río de la Plata, in Uruguay and with the Confederation over which presided General Urquiza. Dissident Buenos Aires, now in the hands of the

⁴⁸Garay, *op. cit.*, p. 198.

⁴⁹Báez, *Resumen*, p. 85, citing "El Paraguay independiente," no. 102.

⁵⁰"El Paraguay independiente," no. 110.

"Unitarians," had refused to join the Confederation and could not, therefore, afford to cross Brazil. Paraguay, though her independence was recognized, was really left high and dry in the interior of the continent. López was no longer a serious factor in the calculations of Brazilian diplomats, who in any case had not found his alliance worth much.⁶¹

In 1852 the President of Paraguay conferred powers on his Consul at Rio de Janeiro, Manuel Moreira de Castro, to seek the renewal of the alliance and the settlement of the outstanding boundary dispute. Little attention was paid to his overture, though the Brazilian Government again claimed the Apa line, which López was resolved not to accept. The somewhat disdainful and indifferent attitude of Brazil exasperated the irascible López, who proceeded by a series of studied insults to vent his indignation on the Brazilian Minister at Asunción. On August 12, 1853, he handed Felipe José Pereira Leal his passports after accusing him of intriguing against the Paraguayan Government, and thus started a controversy that seemed likely to end in war between the Empire and Paraguay.⁶²

Here perhaps, in the year when England, France, and the United States recognized her independence and when the first intimations of future catastrophes can be detected, is the best point at which to pause and cast a glance back over the formative period in the history of Paraguay. Thirty of those years are still largely lost in the shadow cast by the remote and forbidding figure of Dr. Francia. Yet we have seen that his policy throughout the whole of his strange dictatorship was one of peace and friendship with all nations and non-intervention in the affairs of the neighboring provinces.⁶³ The nation-state of Paraguay is his legacy and life-work.

The twelve years that followed his death were marked by the storms brewed largely by the curiously ill-advised and shiftily policies of Carlos Antonio López, who had developed a fatal penchant for sowing the wind. For years he was the dupe of Brazilian intrigue against the Argentine Confederation until he awoke to facts and threw off the influence of the "Macacos" by convert-

⁶¹Báez, *Resumen*, p. 93.

⁶²Campos, *op. cit.*, p. 82.

⁶³Báez, *Ensayo sobre el doctor Francia*, p. 98.

ing them into deadly enemies. As we shall see, he antagonized the Argentine Confederation by his obstinacy over the perennial boundary question. Yet the facts of interest, history, and civilization pointed to Argentina as the natural ally of Paraguay. Carlos Antonio López has been described as cautious and obstinate. That his pride and his irritable sense of national dignity prevented him from choosing between his two immense neighbors, with both of whom he sustained a smouldering quarrel, argues not cautious obstinacy but recklessness.

Dr. Francia had created a nation, but he had not taught it that other nations existed and had rights. He had fostered a national self-consciousness of morbid intensity, and in this characteristic Carlos Antonio López was a typically provincial Paraguayan. He was the victim and defender of a tradition. A modern Paraguayan writer has admirably expressed the national feeling:

From the time of the defeat of Belgrano, the return of the invader to the charge was anticipated; the newspapers of Rosas scoffed at our independence, and this made even our women furious. They believed the enemy would behead the boys and violate the women: our parents may have been mistaken in part, but this was their way of seeing the situation, and the worst of it was they could not see it in any other way. So patriotism was already the instinct of self-preservation.⁶⁴

⁶⁴Domínguez, *Causas del heroísmo Paraguayo*, p. 38.

CHAPTER II

THE PARAGUAYAN-BRAZILIAN BOUNDARY QUESTION

Brazil has had a boundary discussion with every state in South America except Chile, and also with the European powers having colonies on that continent. Chile escaped a discussion with the colossus of the South because, having no common frontier, there was nothing to discuss. Since she has conducted so many acrimonious controversies with her neighbors, Brazil has developed a very high and recondite technique in these matters. One seeks in vain for any guiding principle in Brazilian diplomacy—the determination of what were the veritable boundaries between the Spanish and Portuguese colonial Empires in the new world; the *uti possidetis* or any other. At the risk of cynicism one may say that perhaps there is a principle at work in these interminable discussions—by any means and by the application of any “principle” or sophistry to win more territory. In a boundary dispute with one of her neighbors she will maintain that the *uti possidetis* is the only honorable and satisfactory test for determining to whom the sovereignty of this patch of land occupied by Brazilians belongs. The next year in controversy with another neighbor she will don the robes of a minute and hyper-scholastic legalism; will maintain that the Treaty of San Ildefonso of 1777 is the only clear title by which anyone may lay claim to the ownership of that or the other swamp or primeval forest and will then adduce yet another interpretation of that labyrinthine document. The interpretation of the Treaty of San Ildefonso has by now acquired the status of a fine art—inevitably so since the statesmen who drafted that remarkable document did not themselves know what it meant.

The first discussions on the boundary between Paraguay and Brazil took place in 1824-25 at the time of the mission of Counsellor Antonio Manuel Correa da Camara to Asunción.¹ Dr. Francia received him cordially but proceeded to make a number of charges against the Brazilian authorities in southern Matto

¹Campos, *Relações diplomaticas do Brasil*, p. 81.

Grosso, who were pursuing a steady policy of encroachment on the northern limits of Paraguay in the course of which they had organized a number of Indian raids on Paraguayan posts. The Dictator insisted on the settlement of his claims to certain boundaries and for damages as the preliminary of any discussion of closer political or commercial relations between the two countries. To placate Dr. Francia, Correa da Camara issued suitable orders on the subject of Indians to Craveiro, commandant at Coimbra. But shortly afterwards, on January 1, 1826, since he could not give the guarantees demanded, he was told by the Dictator to withdraw from Asunción.²

As we have already seen, Brazil as a move in her first diplomatic campaign against Rosas sought to cultivate good relations with Paraguay. On August 19, 1844, the Brazilian envoy, Dr. José Antonio Pimenta Bueno, was received by President Carlos Antonio López at Asunción.³ On September 14 he formally recognized the independence of Paraguay, and on October 7, 1844, he signed with President López a "treaty of friendship, commerce, navigation, extradition and boundaries."⁴ It is a fairly elaborate document in thirty-six articles, of which Article XXXV especially concerns the subject of this chapter. It runs:

The high contracting parties also promise to nominate commissioners to investigate and determine the boundaries indicated by the Treaty of San Ildefonso of October 1, 1777, with a view to fixing the definitive frontiers of both parties.

At this point it will be best to pause for a moment over the terms of this famous treaty delimiting the common frontiers of Spain and Portugal in the new world. Article VIII reads in part that the frontier will follow

The Grande de Curitiba otherwise known as the Iguazú; following this downstream to its debouchment into the Paraná on its eastern bank and proceeding thence upstream up the same Paraná until the Río Igurey joins it on its western bank

Article IX:

From the mouth or debouchment of the Igurey it will follow the course of this river upstream as far as its principal source; and from there it will describe a straight line along the watershed . . . till it strikes the

²Garay, *Compendio elemental*, pp. 152-3.

³Campos, *op. cit.*, pp. 81-2.

⁴*Archivo diplomático y consular del Paraguay*, I, 27.

source or principal tributary of the river nearest to the said line, which river empties itself into the Paraguay on its eastern bank and will perhaps prove to be the one known as the Corrientes. And then it will go down the course of this river to its debouchment into the same Paraguay.⁵

The moment the Portuguese-Spanish demarcation commission met a controversy broke out as to the exact situations of the vitally important rivers, Igurey and Corrientes. The Portuguese contended that the Igurey was otherwise known as the Gareí that entered the Río Paraná some distance below the island of the Salto Grande; in this way their frontier would strike the headwaters of the Río Jujuy, which in defiance of the evidence they asserted was the Corrientes.

The Spaniards, supported by the scholarship of the great Félix de Azara, established that the Igurey was the river known variously as the Yagurei, Yoinheima, Monice, or Ivinheima, that entered the Paraná on its west bank well above the island of the Salto Grande. According to Azara the Corrientes is the river known as the Apa; according to others it is the Río Blanco.⁶

A glance at the map will reveal the complexity of the problem. Granting the two great rivers, Paraná and Paraguay, it is obvious that any number of possible river lines could be chosen, in view of the fact that the eastern tributaries of the Paraguay and the western tributaries of the Paraná break off in pairs to east and west, one below the other from the watershed formed by the Cordilleras of Amambay and Caáguazú. It followed naturally that in a region where all the rivers have astounding names, which give rise to every kind of phonetic rendering, and, further, where each river has in addition to a generally used name a large number of other quite distinct appellations, the commission rapidly reached the same sort of impasse that early Egyptian chronology has reached owing to the plethora of names invariably possessed by each King. One may have one's views; one may agree with the great Azara or support the Portuguese; but one cannot with a clear historical conscience assert that the Corrientes is the Apa and the Igurey is the Yoinheima.

⁵Angelis, *Colección de obras y documentos relativos á la historia antigua y moderna de las provincias del Río de la Plata*, IV, 3-15.

⁶Azara, *Memorias . . . escritos postumos*, pp. 48-55; Angelis, *Colección*, "Informe del Virey . . . sobre el estado de la cuestion de límites," p. 18.

Yet for all that, the recognition of the Treaty of San Ildefonso as the norm in the determination of the frontiers was the clause in the Treaty of 1844 that the Brazilians soon perceived was thoroughly favorable to Paraguay. The reason for this lies in the large extension of territory in the Eastern Misiones that Spain obtained under the Treaty of 1777. Accordingly the Treaty of 1844 remained unratified and the policy of encroachments was again applied by Brazil. In 1847 the Imperial Government ordered the construction of a fort at Fecho de Morros, and in 1850 a Brazilian post was established there. Carlos Antonio López unhesitatingly attacked and routed out the intruders on October 14, 1850. When at the end of 1849 Bellegarde was sent by the Imperial Government to Paraguay to propose a treaty of navigation and commerce López closed the door on the negotiation by demanding a simultaneous boundary settlement. Yet on December 25, 1850, he signed an alliance with Brazil against Rosas. The Brazilians had swallowed their pride in order to secure another ally, but never failed to tell all and sundry thereafter that Paraguay had taken a cynical advantage of the Empire about to embark on its crusade of liberation against the tyrant of Buenos Aires. All the President of Paraguay had done was to vindicate his country's sovereignty over territory that had always been regarded as Paraguayan. In 1852 López conferred full powers on Manuel Moreira de Castro at Rio de Janeiro to conclude a treaty, but, since Brazil again demanded the *Apá linc*, this attempt at settlement also failed. In February, 1853, Pereira Leal presented López with a project for a treaty of commerce and navigation between Brazil and Paraguay, but he was informed at once that any such treaty must be accompanied by another for the settlement of the boundary question. López later accused the Brazilian *Chargé*, who had replaced Bellegarde at the end of 1852, of intriguing against the Government, and on August 12, 1853, after calling him a liar to his face, handed Pereira Leal his passports.⁷

The charge of intrigue against Pereira Leal does not lack corroborative testimony. Sir Charles Hotham was negotiating a treaty of commerce and navigation between Great Britain and Paraguay (whose independence he had formally recognized on

⁷Nabuco, *La guerra del Paraguay*, p. 2; Campos, *op. cit.*, p. 82.

behalf of his Government on January 4, 1853) as part of his special mission to the countries of the River Plate. The treaty threw open the navigation of the Río Paraguay as high as Asunción to the British commercial flag. This opening of the river to foreign flags was, at that moment, opposed to Brazilian policy, which aimed at arranging a monopoly of river navigation for a sort of Trust consisting of the riparian powers. Accordingly Pereira Leal set himself to wreck the negotiations of Sir Charles Hotham and his French, Sardinian, and American colleagues who had followed him to Asunción and in general co-operated with him. "He left no stone unturned to thwart and baffle us," wrote Hotham; "he condescended to enter into low intrigues, he endeavored to influence foreigners and natives against us, and finding that we had prevailed, proposed a commercial treaty and threatened to demand his passports unless it was accepted."⁸

Later, in 1855, Brazil made another attempt to encroach on the northern frontier by establishing a post at Salinas on the right bank of the Río Paraguay and north of Fort Olimpo. Again López dispatched a force and ejected the garrison. This time Brazil began openly to prepare for war, and López replied by engaging European engineers. "The two adversaries were awaiting only a favorable moment to close."⁹ The situation was serious. López had been irritated by Brazil's refusal either to renew the alliance or to concede his proposal made in 1847 for a frontier settlement by which the region between the Ríos Blanco and Apa would have been neutralized. He was convinced that Brazil was only interested in the friendship of Paraguay when the latter could be exploited to steal her chestnuts and that she had designs on Paraguayan integrity.

The Imperial Government resolved on coercive measures and dispatched Pedro Ferreira de Oliveira with a squadron to Paraguayan waters to exact reparation for the insult offered to the Imperial envoy and to secure an agreement on the fluvial ques-

⁸Hotham to Malmesbury, Asunción, March 4, 1853, F. O., 59.6, despatch no. 15.

See also Howard to Clarendon, Rio de Janeiro, March 13 and November 13, 1854, F. O., 13.314, despatch no. 42, confidential, and F. O., 13.319, despatch no. 214.

⁹Quesada, *La política argentino-paraguaya*, p. 22.

tion, vital to Brazil, dependent as she was on the free navigation of the Río Paraguay for regular communication with the immense but isolated Province of Matto Grosso.¹⁰ It was especially important to reach an agreement on the navigation question, since López was evidently using his powers of regulation to bring pressure to bear on Brazil, in this way preparing the ground for a *quid pro quo* by which Paraguay would loosen her vexatious control on navigation and Brazil concede the Paraguayan frontier claim. Preparations for resistance were begun by Carlos Antonio López; and on this occasion we catch a characteristic glimpse of Francisco Solano López from the British Consul. The President's son had touched at Rio de Janeiro on his way back from Europe, had been received in audience by the Emperor and interviewed Ministers, but without substantial result.¹¹

Notwithstanding all these preparations, however, the arrival of the Brazilian Squadron at Corrientes shook the determination of the President to attempt resistance, and he dispatched a Commissioner to parley with the Brazilian Admiral. General López, however, who had arrived from Europe January last, and who had taken the military command, overruled the President's fears, and caused the Commissioner to return.¹²

An armed conflict was averted only by the decision of Ferreira de Oliveira, taken in harmony with his instructions, to leave his squadron lying off Corrientes and proceed up to Asunción in an unescorted vessel.

The reparation question was soon adjusted by a salute of twenty-one guns to the Brazilian flag on March 21, 1855.¹³ The negotiation was concluded on April 27, 1855, by the signature by Ferreira de Oliveira and Francisco Solano López, the Paraguayan plenipotentiary, of a treaty and a convention—the treaty of friendship, commerce, and navigation and the convention additional to the treaty, postponing the settlement of the boundary dispute for one year. By Article XXI of the treaty it was not to be ratified save as provided by the convention. Article II of

¹⁰Military preparations were also begun in Matto Grosso and Rio Grande, Jerningham to Clarendon, Rio de Janeiro, September 4, 1855, F. O., 13,331, despatch no. 21, confidential.

¹¹Howard to Clarendon, Rio de Janeiro, December 31, 1854, F. O., 13,319, despatch no. 233, confidential.

¹²Consul Henderson to Clarendon, Asunción, April 10, 1855, F. O., 59,12, despatch no. 9.

¹³Báez, *Resumen*, p. 98.

the convention provided that the definitive boundary treaty would be ratified at the same time as the treaty of friendship, commerce, and navigation, and that the exchange of ratifications of the one would not be valid without the simultaneous exchange of ratifications of the other.¹⁴ Decidedly, Paraguay had the best of the bargain, and Ferreira de Oliveira's coercive naval expedition could hardly be called a success.

It was a clear enunciation of the *quid pro quo* policy. Paraguay offered to sell navigation privileges in her section of the river in return for a frontier that conformed to her aspirations. Ferreira de Oliveira seems quite bluntly to have been intimidated, even with a Brazilian squadron behind him. He could make no headway at all over the boundary question,¹⁵ and General Urquiza ostentatiously sent a circular to the Diplomatic Corps at Paraná drawing the attention of friendly governments to the Brazilian expedition against Paraguay.¹⁶ The Brazilian plenipotentiary, fearing a naval intervention by France and Great Britain, was above all anxious to conclude something to bring home and then sail away as quickly as possible.¹⁷ He brought back to Rio de Janeiro something that may justly be likened to the proverbial lemon. One may remark in passing that this method of handling foreign naval expeditions was repeated brilliantly by Don Carlos Antonio (again with the assistance of General Urquiza) in 1859, when Commissioner Bowlin arrived with a fleet on a debt-collecting expedition from the United States. He was sent home with a similar gift. As to the spirit which Francisco Solano López had induced on his return to Paraguay, the British Consul had no doubt:

¹⁴*Archivo diplomático y consular del Paraguay*, I, 75-84.

¹⁵*Relatório . . . dos negócios estrangeiros . . . pelo respectivo ministro e secretario de estado José Maria da Silva Paranhos*, 1856, pp. 34-5, and Anexo F, pp. 10-20.

¹⁶Báez, *Resumen*, p. 100.

¹⁷Earnest efforts were made by Great Britain and France to prevent the expedition (Howard to Clarendon, Rio de Janeiro, September 12, 1854, F. O., 13317, despatch no. 179). Brazil was vigorously pressed to give assurances that the integrity and independence of Paraguay would be in any event preserved (F. O., 13329, *passim*).

Both the Industry and Trade of the Country, which have already been very seriously affected by the conduct of Brazil, would be unhesitatingly sacrificed to the cry of National Honor and Independence.¹⁸

Indignation in Rio de Janeiro knew no bounds.¹⁹ Ferreira de Oliveira was held not unjustly to have compromised the dignity of his country, and there was talk of another and larger expedition under a grimmer chieftain. The Emperor refused to ratify the treaty and convention, and the fact was communicated to the Paraguayan Government by a note of July 8, 1855.²⁰ The Foreign Minister of Brazil, José Maria da Silva Paranhos, in explaining this refusal founded his case on the logic of Article III of the Brazilian-Paraguayan Treaty of Alliance of December 25, 1850.²¹

His Excellency the President of Paraguay and His Majesty the Emperor of Brazil promise each other reciprocal aid in assuring to the subjects of both nations the free navigation of the Río Paraná as far as the Río de la Plata.

Clearly this presupposed the freedom of the Paraguay also. The Brazilian statesman bluntly charged Paraguay with seeking by means of the thumbscrew of river navigation restriction to extract new concessions from Brazil.²²

By Article XV of the Treaty of Alliance, the President of Paraguay and the Emperor of Brazil agreed to nominate "as soon as circumstances permit and within the life of this treaty [six years] plenipotentiaries with a view to regulating by another treaty the commerce, navigation and boundaries between both countries."

Silva Paranhos declared that the fulfillment of this clause of the treaty had been the principal objective of the missions of Pereira Leal and Ferreira de Oliveira to Asunción.²³ He then went on to deplore the obstructive attitude of Paraguay on the subject of boundaries and to define the principles which Brazil wanted to see applied to the solution of this question

¹⁸Consul Henderson to Clarendon, Asunción, July 29, 1855, F. O., 59.12, despatch no. 17.

¹⁹Howard to Clarendon, Rio de Janeiro, June 11, 1855, F. O., 13.330, despatch no. 79.

²⁰*Relatorio*, 1856, Anexo F, pp. 28-35.

²¹*Archivo diplomático y consular del Paraguay*, I, 40.

²²*Relatorio*, 1856, p. 29.

²³*Ibid.*, Anexo F, p. 32.

The principles adopted by the Imperial Government in boundary settlements with its neighbors are most moderate and reasonable; they are the only principles that can solve with ease and in a just and friendly manner these ancient questions. These principles are the agreements concluded between the Courts of Portugal and Spain, in those points in which the facts of possession do not contradict them, and the *uti possidetis* where it exists.²⁴

As for the strict application of the Treaty of San Ildefonso, the subtle Brazilian declared that for Brazil that simply meant the line, Igurey-Jujuy.²⁵

Ferreira de Oliveira in the course of his mission suggested that Paraguay send a mission to Rio de Janeiro to discuss the boundary question. In a note of April 29, 1855, José Falcón signified the willingness of the Paraguayan Government to send such a plenipotentiary and on May 5 declared further that Paraguay would be prepared to discuss the boundary question in terms of the *uti possidetis*.²⁶ The refusal of Brazil to ratify the treaty and convention signed by Ferreira de Oliveira and the outburst of indignation in Rio de Janeiro at the "diplomatic disaster"²⁷ alarmed López in spite of his natural satisfaction at the way he had outwitted the Brazilian diplomat backed by a strong squadron. Viscount Abaete had been sent by the Imperial Government on a special mission to the Argentine Confederation. The British Chargé at Rio de Janeiro reported:

I have been given to understand that it was the intention of Brazil, before the President of Paraguay dispatched Mr. Berges to treat amicably with this country, to endeavor to conclude a Treaty of Alliance with General Urquiza to act in concert against Paraguay in case matters assumed a warlike character. Perhaps the knowledge of this may have induced President López to entrust a peaceful mission hither to his plenipotentiary, and, by endeavoring to adjust the pending difficulties, to prevent the conclusion of an offensive and defensive alliance between Brazil and the Argentine Confederation with reference to Paraguay.²⁸

The Paraguayan plenipotentiary nominated was José Berges, and the conferences took place at Rio de Janeiro in March and April, 1856. The Brazilian plenipotentiary was the redoubtable

²⁴*Ibid.*

²⁵*Ibid.*, p. 33.

²⁶"El semanario," no. 105, cited in Bącz, *Resumen*, pp. 95-6.

²⁷Nabuco, *op. cit.*, p. 4.

²⁸Jerningham to Clarendon, Rio de Janeiro, April 14, 1856, confidential, F. O., 1339, despatch no. 45.

José Maria da Silva Paranhos. At their first conference, Berges took the rejected Treaty of April 27, 1855, as a basis and suggested the substitution of two articles relating to the boundary question. His draft for Article XXI pledged the two contracting parties to nominate a commission as soon as possible to visit the contested territories and report on the respective claims of the two governments. In this way a fund of exact information would be acquired which would enable them to establish the frontier in a friendly and pacific spirit. Article XXII pledged the two parties pending the findings of the commission of inquiry not to establish any new posts in the disputed territories on the left bank of the Paraguay and the right of the Paraná.²⁰

The Brazilian plenipotentiary postponed dealing with the Paraguayan proposal until the clauses on commerce and navigation had been settled. These offered no difficulties, and on March 12, 1856, he replied to Berges' suggestion by putting forward a definite boundary line repeating that initiated by the Brazilian Minister at Asunción, Felipe José Pereira Leal, in 1853-1854 and repeated by Ferreira de Oliveira in 1855.²¹

The territory of the Empire of Brazil is separated from that of the Republic of Paraguay by the Río Paraná from the point where the possessions of Brazil begin, and by it upstream to the junction of the Iguatemy following this river upstream by the main channel (leaving to the north its tributary the Escopil) to its most remote sources and from there by the shortest line to the watershed of the Sierra Maicaju that separates the streams of the Paraná from those of the Paraguay. It follows the crest of the said Sierra, the streams to the East being Brazilian and those to the West Paraguayan, until it arrives at the sources of the Apa, it follows this river down to its junction with the Paraguay, from which point the left or East bank (of the Paraguay) belongs to Brazil and the right or West to the Republic of Paraguay. From the junction of the Apa the line follows the Paraguay upstream as far as the Bahía Negra, at which point the territories of Brazil occupy both banks of the Paraguay.²²

Before examining the grounds for this claim we must consider the counter-proposals put forward by Berges. The boundary line claimed by Paraguay was: on the side of the Paraná, the Río Yoinheima or Igurey, and, on the side of the Paraguay, the Río

²⁰Quesada, *Historia diplomática latino-americana*, III, 169.

²¹Relatorio, 1856, p. 27, and Anexo F, pp. 6-7.

²²Quesada, *Historia diplomática latino-americana*, III, 170.

Blanco which flows parallel to and north of the Rio Apa—the two lines to be united by a line drawn to connect their sources by way of the Sierra of Maracaju or Amambay where both rivers rise.³⁰

The Brazilian proposals for a boundary line with Paraguay were based on principles which Silva Paranhos said had been applied by the Imperial Government in negotiating similar treaties with other neighbors: (1) the *uti possidetis*; (2) the agreements between the crowns of Spain and Portugal when they do not contradict the *uti possidetis* and serve to clarify doubts about unoccupied regions. Failing this norm, he asserted, nothing remained save force and the mere convenience of each country.

Yet the Brazilian plenipotentiary was very careful to maintain that the former treaties between Spain and Portugal had become null and void either because of the doubts and difficulties that arose in the course of their execution or because of subsequent wars between the contracting parties. The boundary Treaty of 1750 he maintained had been revoked by that of February 12, 1761, which was followed by the War of 1762 ended by the Peace of Paris of February 10, 1763. The Treaty of San Ildefonso of October 1, 1777, which largely revived the terms of that of 1750, had been annulled by the war between Spain and Portugal of 1801; and the Treaty of Badajoz of June 6, 1801, had not revived it. At this point Silva Paranhos was skating on some of the thin ice of international law, but he pushed on fearlessly. While the ancient boundary agreements between Spain and Portugal were null, yet it was necessary to examine the terms of these treaties

... as an auxiliary basis At places where one of the two states questions the dominion of the other and dominion is not proved by effective occupation or material monuments of possession, that auxiliary basis clarifies doubt and can resolve it peremptorily.³¹

So the treaties had no force and yet at the same time, in territories where there was no effective occupation, could yet resolve doubts about the boundary "peremptorily." Such a dualism is illogical; the great Paranhos was engaged in that most delectable piece of legerdemain—having his cake and eating it. It would

³⁰*Ibid.*, III, 176.

³¹*Ibid.*, 173.

have been logical to declare the treaties between Spain and Portugal in force and at the same time in the course of delimitation to respect the modifications made by the existing *uti possidetis*, but the position assumed by the Brazilian plenipotentiary enabled him to flit from one basis to another according to the exigencies of the prime objective—the securing to Brazil of as much territory as possible. In her negotiations over boundaries with Bolivia and Venezuela Brazil maintained that the frontier agreements of Spain and Portugal had been abrogated by facts. To Paraguay she also advocated the *uti possidetis* with the two fundamental exceptions that the old treaties were to serve in determining the titles of unoccupied regions, but for occupied territories only the *uti possidetis* applied, even though it were contradicted by the terms of the old treaties.

Paranhos then produced a further subtlety.

To Brazil incontestably belongs in South America what belonged to Portugal with the losses and acquisitions which took place after the treaties of 1750 and 1777; and reciprocally to the boundary states which were Spanish colonies belongs what was the dominion of that nation, except for alterations that the *uti possidetis* indicates.⁴⁴

But how could one say what belonged to Spain and Portugal without consulting the old treaties? And when consulted what force were they to have? When asked bluntly by Berges why Brazil claimed the line of the Iguatemy and the Apa, Paranhos replied that the line conformed to the *uti possidetis*, and that in the light of the Treaties of 1750 and 1777 he considered it more favorable to Paraguay than to Brazil.

The Brazilian claim that the Treaty of 1777 had been invalidated by the war between Spain and Portugal of 1800 which was ended by the Treaty of Badajoz of June 6, 1801, deserves discussion. The provisional Treaty of San Ildefonso of 1777 was confirmed by the Treaty of the Pardo of March 1, 1778. The latter renewed, with the extension of limits agreed on in 1777, the mutual guarantee by the two powers of their territories in South America which was contained in the boundary Treaty of 1750. The Treaty of Badajoz does not cite the Treaty of 1777. On the other hand, it contains the mutual guarantee by Spain and Portugal of their possessions in South America, which would be

⁴⁴*Ibid.*, III, 175.

meaningless unless those possessions were known and their extent defined. The Treaty of 1801, therefore, presupposes the continued validity of the Treaty of 1777.

The towns of Albuquerque and Coimbra in Matto Grosso were in the actual possession of Portugal after 1780, though situated in the territory assigned to Spain by the Treaty of 1777. By the Treaty of Badajoz Portugal ceded the Fortress of Olivenza to Spain. But this treaty contained no mention of any cession to Portugal of the territories in South America which she had occupied since 1777.

If the Principle be admitted that the event of war annuls previous treaties, the Principle is equally sound that it is necessary to the rightful Possession of Conquests made during the war, or previously during a state of Peace, that a formal cession of such Conquests should take place No right can accrue to Brazil *as founded upon the silence* of the Treaty of Peace of 1801 respecting the American Possessions of Spain and Portugal.⁸⁵

But upon that silence Brazilian diplomats always founded weighty arguments, thereby greatly confusing the issues.

Finally, it should be observed that in the important negotiations relating to the American territories of Spain and Portugal which took place at Paris in 1817 and at Aix-la-Chapelle in 1818, Spain put forward the Treaties of 1777 and 1778 as the basis of an arrangement, thus showing that she still regarded them as valid.⁸⁶

Let us now turn to the Paraguayan case. Berges rested it upon the *uti possidetis*, not interpreted to mean the effective occupation of all the territory in dispute but the possession of part and jurisdiction exercised over the rest—to use the Brazilian formula in similar negotiations with Venezuela, the Paraguayan claim was based on “the material possession of the cardinal points.”⁸⁷

The claim of Paraguay to a frontier at the Río Blanco rested on the fact that Spain had settlements in the region between the Río Apa, claimed by Brazil, and the Blanco. Spain had founded

⁸⁵Howard to Clarendon, Rio de Janeiro, April 10, 1854, F. O., 13,315, despatch no. 68.

⁸⁶See Howard to Clarendon, Rio de Janeiro, May 15, 1854, enclosure, F. O., 13,315, despatch no. 97. Also Same to Same, January 8, 1854, F. O., 13,313, despatch no. 10.

⁸⁷Quesada, *Historia diplomática latino-americana*, III, 199.

in this region, a little below the mouth of the Río Blanco and on the right bank of the Río Paraguay, Fort Borbon which remained in Paraguayan hands as Fort Olympo. Brazil had never contested Paraguayan jurisdiction over the right bank of the Río Paraguay at this point, but Paranhos maintained that Fort Olympo could not be regarded as a "cardinal point" for the occupation of the left bank between the Ríos Apa and Blanco. The argument is pedantically wire-drawn, since it was notorious that the fort exercised jurisdiction over both banks of the river. If Brazil denied Paraguay's right to the territory between the Apa and the Blanco because she had no settlements there, in spite of the fact that Spain did have settlements there and in spite of the fact that Paraguay's claims to the right bank of the Paraguay, corresponding to this region of the left bank, were recognized by Brazil in virtue of Fort Olympo—what right, asked Berges, could Brazil invoke that Paraguay did not have in the past and did not have at that moment? What right could Brazil invoke if Portugal admittedly had no settlement below the Blanco on either right or left banks of the Paraguay? Possession, he dryly observed, could not be denied to a state that occupied one bank of a river in favor of a state that occupied neither bank. Coimbra on the right bank of the Paraguay and Miranda on the left bank of the Mboteti or Miranda, one of the tributaries of the Upper Paraguay, were Brazil's most advanced settlements in this region—forty-three leagues north of the Río Apa.

The fact that in 1850 a Brazilian force had established itself for fifteen days on the Pan de Azucar and had then been driven out by a Paraguayan detachment sent specially for that purpose by President Carlos Antonio López was a proof that Paraguay was firmly convinced of her sovereignty over this area—a sovereignty that was not contested by Brazil, who was then negotiating the Treaty of Alliance of December, 1850.

Finally Berges rested Paraguay's claim to the line of the Río Blanco on strategic considerations. Neither the Apa nor the Blanco are true rivers; both are really large streams, whole sections of which dry up during the summer, and neither is navigable at any season. The territory between the Apa and Blanco was not of great intrinsic value. Had the Apa been a genuine barrier, Paraguay would willingly have given up her claims to

the territory between it and the Blanco. But it is not; and since the intervening land is low lying and liable to floods, Paraguay needed this strategic swampy envelope as a protection. In view of her immense territories, no vital point in which is near Paraguay, Brazil could not justly put forward this claim which the relatively small size of Paraguay made extremely convincing.³⁸ It was this strategic consideration that had inspired the project of Gelly in 1847, when on behalf of López he had submitted to Brazil the proposal for neutralizing the territory between the Ríos Apa and Blanco.³⁹

On the side of the Paraná Paranhos claimed the line of the Iguatemy (or Iguatomi) in virtue of a former Portuguese post established on it. Berges rebutted this evidence with the statement that the Portuguese had been expelled from their post as interlopers by the Spanish Governor of Paraguay, Agustín Fernando de Pinedo. His predecessor, Carlos Morphi, had been removed from office for allowing the Portuguese to establish themselves on the banks of the Iguatemy. It is worth noting in passing that the man whom Governor Pinedo sent to inspect the strength of the Portuguese post in 1777 was Don García Rodríguez de Francia, the father of Dr. Francia.⁴⁰ Governor Pinedo operated against the intruders from the fort of San Carlos that he built especially for this purpose. San Carlos on the banks of the Iguatemy was the only settlement between that river and the Yoinheima (or Igurey or Ivinheima) claimed by Paraguay as her frontier with Brazil. Brazil did not possess a single post between the two rivers.⁴¹ When after a month's debate it was found impossible to reconcile the two claims, Berges again pressed that a joint commission should visit the disputed territories and collect data but his suggestion came to nothing.

Finally on April 6, 1856, a treaty and convention were signed at Rio de Janeiro by José Berges and José Maria da Silva Paranhos. The treaty of friendship, navigation and commerce assured both parties the free navigation of the Paraná and Paraguay. Article VI reserved the right of both parties to adopt such

³⁸Quesada, *Historia diplomática latino-americana*, III, 201.

³⁹Garay, *Compendio*, p. 196; Báez, *Resumen*, pp. 96-7.

⁴⁰Garay, *Compendio*, p. 109.

⁴¹Quesada, *Historia diplomática latino-americana*, III, 197.

fiscal and police measures on the rivers as would check smuggling.⁴²

The Convention obliged both parties to nominate as soon as possible, and within the space of six years, plenipotentiaries to examine and fix the definitive boundary of the two countries. Meanwhile both high contracting parties would respect the existing *uti possidetis*.⁴³ The news of the formal concession of the navigation of the Upper Paraguay to Brazil by the Treaty of April 6, 1856, was not welcomed by President López, though he had authorized it. The ratification of the treaty was delayed and then given only as the result of the news of the Peace of Paris which ended the Crimean War. López feared this would set the French Government free to give effective expression to its indignation at the outrageous treatment the French colonists, recruited by Francisco Solano López and settled at Nueva Burdeos (later Villa Occidental), had received at the hands of the President, who was intensely suspicious of foreigners and disapproved of his son's enterprise. The British Consul wrote:

The Paraguayan Government has found itself compelled at last to concede the navigation of the river to Brazil; but its consent is not cordial and it will doubtless use its best endeavors to render the concession as nugatory as possible.⁴⁴

With regard to the postponement of the frontier settlement for six years he wrote:

Little confidence is entertained here in a definitive settlement of the Question of Limits between this Country and Brazil and His Excellency the President stated to me, himself, in conversation that he was firmly convinced that the inevitable result would be a war with Brazil.⁴⁵

A few days later President López formally refused to accede to the Declaration of Paris on the rights of neutrals in time of war which he had been invited to accept by the British Government. In the course of his conversation with the British Consul on the subject:

He said that he had at last conceded to it [Brazil] the navigation of the river, although he knew that Brazil only desired it for military

⁴²*Archivo diplomático y consular del Paraguay*, I, 87-94.

⁴³*Ibid.*, pp. 95-96.

⁴⁴Consul Henderson to Clarendon, Asunción, July 21, 1856, F. O., 59 14, despatch no. 15.

⁴⁵Consul Henderson to Clarendon, Asunción, September 16, 1856, F. O., 59.14, despatch no. 25.

purposes, and not for the promotion of commerce. Paraguay, however, was also making military preparations, for he felt confident that the Questions between the two countries would bring on a war, which he was quite prepared to undertake in a vigorous and uncompromising manner.⁴⁶

In the opinion of the Consul, López evidently felt that the Paris Declaration would deprive him of the right of intercepting Brazilian and neutral commerce.

His failure to secure a settlement on the vexed boundary question greatly irritated López, and he determined once more to bring pressure to bear on Brazil through his strangle-hold on the Paraguay. He relied on Article VI of the Treaty of April 6, 1856, to break its patent intention. On July 15, 1856, he issued a decree that foreign merchant vessels must have a Paraguayan pilot from Asunción to the first Brazilian port in Matto Grosso. On August 10, 1856, another decree imposed dues which in effect annulled the freedom of navigation stipulated by the treaty. Vessels were ordered to touch at various Paraguayan ports to be inspected and pay vexatious passage dues.⁴⁷ An Imperial decree had opened lower Matto Grosso served by the Rio Paraguay to the flags of all nations. Now the Brazilian Government found that López intended to prohibit every vessel not Brazilian from ascending the river above Asunción, and, what was more important, to treat foreign cargoes in Brazilian vessels as contraband.⁴⁸

After protesting against these violations of the treaty in a note of January 26, 1857, signed by José Maria da Silva Paranhos, the Brazilian Government sent Counsellor José Maria do Amaral on a special mission to Asunción. On May 25, 1857, he left Paraguay after a negotiation with López which had ended in a complete deadlock.⁴⁹

Brazil then decided to play her trump card, José Maria da Silva Paranhos. On September 16, 1857, he received his instructions. They revealed that the patience of the Empire was exhausted.

⁴⁶Consul Henderson to Clarendon, Asunción, September 26, 1856, F. O., 59.14, despatch no. 27.

⁴⁷*Relatorio*, 1857, pp. 30-32, and Anexo, p. 7.

⁴⁸Scarlett to Clarendon, Rio de Janeiro, November 28, 1856, F. O., 13.340, despatch no. 23.

⁴⁹*Relatorio*, 1858, Anexo G, pp. 1-8.

The Visconde de Maranguape, the Minister of Foreign Affairs, in his instructions to the Brazilian plenipotentiary wrote:

It appears that the spirit of intrigue has suggested to López the idea that we are making preparations in Matto Grosso to decide the boundary question by force of arms. The instructions I have to give Your Excellency to dissipate such a groundless preoccupation imply an ignorance of the means that Your Excellency may take in order to convince Señor López of the pacific sentiments that the Imperial Government has hitherto entertained in the hope that that of Paraguay would proceed in like manner to the fulfilment of its obligations.

The Imperial Government does not doubt the triumph of our arms in a struggle with Paraguay, in view of the forces of which we can dispose; war, however, should be the last recourse of civilized peoples.⁵¹

Troops of the line and of the national guard were in the meantime concentrated at San Gabriel in the interior and at San Borja and other points on the frontier of Rio Grande. The British Consul reported:

It is generally believed that the object of this Concentration of Troops is with a view to possible hostilities with the Republic of Paraguay. The public feeling of the Province appears to be in favor of a war with that Republic.⁵²

On his way up the river Paranhos ostentatiously stopped at Paraná and visited General Urquiza, President of the Argentine Confederation. The relations between the Confederation and the seceded Province of Buenos Aires were rapidly coming to a crisis, and both parties desired the countenance of Brazil. López by his policy of aloof suspicion had not encouraged the Confederation to consider his interests, and on November 20, 1857, Paranhos signed with the Argentine plenipotentiaries a convention declaring the Rivers Uruguay, Paraná, and Paraguay free to the flags of all nations.⁵³ The convention then prescribed in detail the necessary regulations on coast guards, river conservation, quarantine, pilots, etc. On December 14, 1857, this was followed by a boundary treaty defining the frontiers of the Confederation in the Misiones territory. By this treaty Brazil recognized the right bank of the Río Uruguay as Argentine territory.

⁵¹*Ibid.*, p. 9.

⁵²Consul Vereker to Scarlett, Rio Grande do Sul, January 28, 1858, F. O., 13,362, enclosure in despatch no. 11.

⁵³*Relatorio*, 1858, Anexo E, pp. 10-20.

These accords had been preceded by an agreement signed at Rio de Janeiro on September 15, 1856, by Andrés Lamas for Uruguay and the Visconde de Maranguape for Brazil, defining the principles which the two parties would apply in assuring the freedom of the Río Uruguay (already guaranteed by the Treaty of October 12, 1851, between the two contracting powers) and which they would co-operate in inviting the states bordering on the Paraná and Paraguay to apply also in their waters.

At a banquet held in Paraná to celebrate the agreement Paranhos proposed the following significant toast:

I wish to see realized the closest union between the Empire and the Confederation, and may the glory of Caseros be not the only glory won in common by Brazil and the Argentine Nation."

Prophetic words—in the agreements between Brazil, the Argentine Confederation and Uruguay in 1856 and 1857 already we see the adumbration of the Triple Alliance of 1865.

Paranhos arrived in Asunción on January 7, 1858, to confront López suavely but firmly with the fact that Paraguay was isolated and that Brazil was willing to fight for her interpretation of the "freedom of the Paraguay." Both the Argentine Confederation and Brazil invited Paraguay to accede to their treaty, and it was necessary to yield to the menace of a Triple Alliance. On February 12, 1858, Francisco Solano López and José Maria da Silva Paranhos signed at Asunción a fluvial convention which reproduced textually with certain omissions, additions, and rearrangements the Convention of Paraná of November 20, 1857.⁶⁴ Paraguay refused to accede to a treaty the negotiators of which had presumed to legislate for matters in which she was vitally interested, but nevertheless, realizing that discretion is the better part of valor, she announced that she would graciously concede an identical convention "by an act exclusively her own." The pill was sugared by a Protocol in which the perfect spontaneity of President López was affirmed and in which "the Brazilian plenipotentiary observed that nothing could be further from the thoughts of the governments represented in the fluvial convention, signed in the city of Paraná, than to inflict an injury on the

⁶³"El semanario," no. 192, cited in Báez, *Resumen*, p. 106.

⁶⁴*Archivo diplomático y consular del Paraguay*, I, 105-17.

dignity of the Republic or lessen its rights of sovereignty."⁵⁵ But López had to withdraw all his decrees on river navigation⁵⁶ and, whatever salve his acrid vanity might seek in the Protocol, he had been clearly and decisively coerced by Brazil.

The diplomacy of Paranhos had been remarkable in as much as in dealing with Paraguay he was hampered by the Brazilian doctrine of river navigation. At that very moment Brazil was maintaining with regard to the navigation of the Amazon that a riverine state situated towards the mouth of a river can close it to a riverine state on the upper waters if the latter does not conform to the regulations of the former made in order to defend its own security.⁵⁷ Yet, however inconsistent in the application of her own principles to others, Brazil has been remarkably firm in exacting their recognition in her own interests. She was vitally interested in the development of her great Province of Matto Grosso. The closing of the Río de la Plata to foreign flags by the Dictator Rosas was regarded by Brazil as a deadly attack on her interests, since the water communication with that Province was thereby cut. Her diplomacy and her arms were concentrated on this objective; her alliance with Paraguay in 1850 was made in terms of it. Caseros freed the Río de la Plata, and then Brazil's difficulties with Paraguay began. We have seen that she was willing to wait for a favorable settlement of her boundary dispute with the inland Republic, but was prepared to fight López as she had fought Rosas for the freedom of communication and commerce with Matto Grosso.

After this settlement in 1858, a regular Brazilian steamship line up the Río Paraguay to Matto Grosso was inaugurated. The steamers made eight round trips a year between Rio de Janeiro and Cuyubá, the capital of the Province—a distance of nearly 4,000 miles—and the line continued in operation without molestation for five years until the catastrophe of 1864.⁵⁸

Yet in spite of the fluvial agreement of 1858 the relations of Brazil and Paraguay were most unsatisfactory. The delay of six years for the frontier settlement merely gave time for the breed-

⁵⁵*Ibid.*, p. 122.

⁵⁶Báez, *Resumen*, p. 107.

⁵⁷Schneider, *A Guerra da Triplíce Aliança*, I, 84.

⁵⁸Washburn, *History of Paraguay*, I, 419.

ing of further suspicions. Under the inspiration of his son, Francisco Solano, the elder López began to arm. Humaitá was fortified; the standing army increased; European military and engineering experts invited to Paraguay; arms and ammunition imported. Neither side made the least attempt to come to an arrangement within the ample time allotted. The truce, as it may be called, expired on June 13, 1862, and already in the April of that year the controversy had flamed up again. The American Minister at Asunción reported on April 24:

The Brazilian Chargé, Señor Borges, left Asunción with his family some ten days ago, and, it is said, that a sharp correspondence has passed between him and this Government and that he has withdrawn to Montevideo to await instructions from home. President López wants the old question of boundary between Paraguay and Brazil settled, and complains that the latter is crowding upon him all the time and will not come to a settlement, as by delay it is continually appropriating his territory. He has a bitter hatred of the Brazilians and a contempt of them as soldiers, and in speaking of them usually calls them *macacos* (monkeys)²⁰

At the beginning of April, 1862, Thornton, the British Minister at Buenos Aires, visited Asunción on a special mission to President López. He thus described the strained relations that had arisen between Paraguay and Brazil at the very moment when they should have been arranging for the nomination of plenipotentiaries under the Treaty of April 6, 1856, to settle the boundary question.

On my arrival at Assumption at the beginning of last month, when the six years had just expired I asked M. Borges, the Brazilian Chargé d'Affaires, whether any such nomination had as yet taken place. He replied that he himself had received full powers from his Government to negotiate upon the matter, but had not yet announced himself to the Paraguayan Government, in consequence as I understood, of an angry correspondence which had passed between him and the Paraguayan Government, about some conflict which had lately taken place on the disputed territory near the northern frontier between Brazilians and Paraguayans. He added that he had just received a note of such a nature from the Paraguayan Government that he intended to avail himself of a leave of absence granted him by his Government and proceed either to Montevideo, there to await instructions, or to Rio direct

The President of Paraguay likewise spoke to me of this correspondence, saying that a very strong note had been received from M.

²⁰Washburn to Seward, State Department MSS, Paraguayan Diplomatic, I.

Borges which had been answered by a still stronger one. His Excellency complained that a Brazilian force had made an incursion from the north into Paraguayan territory, and had murdered a number of friendly Indians employed in the cultivation of the Paraguay tea. The President added that he feared the question of limits would lead to a rupture between the two countries, because the Brazilian Government were anxious to put it off; whereas he himself was determined it should be settled, on the ground that the Brazilians were perpetually encroaching on Paraguayan Territory and insisted notwithstanding that the question should be settled on the principle of *uti possidetis*.⁶⁰

The storm blew over, but there was a significant interruption in Brazil's representation at Asunción. Not until May 30, 1863, was a new Chargé appointed.⁶¹

Early in the morning of September 10, 1862, the old President died. Exercising the right Congress had conferred on him in 1856 to nominate a Vice-President, who in the event of his death would act as President until Congress met to choose a successor, Carlos Antonio López on his deathbed nominated his son, Francisco Solano López, to that office.⁶² The new Vice-President had long been Commander-in-Chief and Minister of War and Marine and had made all necessary "preparations" for accession to his father's supreme office.

Under Carlos Antonio López the Republic had prospered materially; he wielded his all but despotic power with a certain caprice, but he was not cruel, and in the course of his long "reign" he had surmounted many difficulties and crises with considerable success. His irascible nature tempted him like "Oom Paul" to stand doggedly "on his rights," but his shrewdness always prevented his hot temper and sensitive dignity from pushing him into any position from which he could not extricate himself. The economic system, of which the foundations had been laid by Dr. Francia, was continued and developed by his successor. Under Carlos Antonio López there were few landed proprietors. Most of the land in Paraguay was by that time owned by the State and hired from the Government for a ground rent in small plots by separate families. By a decree of August 1, 1854,

⁶⁰Thornton to Russell, Buenos Aires, May 15, 1862, confidential, F. O., 6.239, despatch no. 26.

⁶¹Campos, *op. cit.*, p. 83.

⁶²Washburn to Seward, Asunción, September 28, 1862, State Department MSS, Paraguay Diplomatic, I.

foreigners were prohibited from purchasing land.⁶³ In addition to the yerba and tobacco monopolies there was a virtual monopoly of wood. Paraguay was covered with forests, but not a plank could be exported without a Government permit. In 1854 about 80,000 superficial yards were exported, of which 50,000 belonged to the Government. "The greater part of the property in the country," reported the British Consul, "is state property. The best houses in town belong to the Government and it has valuable breeding and agricultural farms throughout the country."⁶⁴

The dictatorship founded by Dr. Francia was but thinly veiled by Carlos Antonio López. He refused indeed to call himself Dictator, appointed a Ministry which he changed from time to time, and was usually punctilious in insisting that all public business should be conducted through the appropriate Minister. But referring to one of his changes of Ministry the British Consul wrote:

These changes have been made by the President merely with the object of facilitating the dispatch of business. In other respects they are entirely unimportant, for, with the exception of General López, the President's son, I am assured that none of the so-called Ministers can decide or give an opinion on the most trivial matters without reference to the President, who moreover dictates all official Documents for their signature, and opens all official communications addressed to them.⁶⁵

He had an intense dislike and suspicion of all foreigners, and it is probable that he would not have concluded commercial treaties with Great Britain, France, Sardinia, and the United States in 1853 had he not been quarreling with Brazil at the same time. After the conclusion of the treaty he was disappointed at not receiving British and French support against Brazil. He disliked conceding rights to foreigners not enjoyed by natives. He equally disliked the presence of strangers whose political ideas might enlighten his subjects. He was irritated at having to explain or answer for his actions to the representatives of foreign powers. His vanity was injured by the fact that Consuls and not

⁶³Consul Henderson to Clarendon, Asunción, July 1, 1856, report, F. O., 59.15.

⁶⁴Consul Henderson to Clarendon, Asunción, January 15, 1855, report, F. O., 59.13.

⁶⁵Consul Henderson to Clarendon, Asunción, December 10, 1855, F. O., 59.12, despatch no. 26.

Ministers had been sent by friendly powers to Asunción. He frequently harped on what he termed the "insolence of foreigners." The result was that his relations with foreigners were anything but harmonious. His son Francisco Solano López, during his European tour, had arranged for several hundred French colonists to come to Paraguay and offered them attractive prospects. From the moment of their arrival Carlos Antonio López segregated and persecuted them. An acrimonious correspondence with the French Government followed and the colony was shortly broken up.⁶⁶ He conducted protracted quarrels with Great Britain and the United States pushing matters in each case to the verge of war but always managing to avert it at the last moment. Though he departed widely from the system of his great predecessor, he was as determined as Dr. Francia to avoid war—his essay in 1845 concluded without a shot being exchanged. The Paraguayans of today regard him, not without interfusing some criticisms, with considerable respect. When he died there is no reason to suppose that with the great bulk of the nation his Government was less firmly rooted than when a critical observer had written:

The masses are not only resigned, but satisfied with their lot, and brought to believe that the Supreme Government is the rightful owner and disposer of all they possess. And thus, without any exertion, but with the support of the clergy, which is entirely dependent on it, the Government can freely exercise its power of life and death, imprisonment, exile, and confiscation. Military service, labor, and private property are at its command. Civil employments are accepted, because they may not be declined.⁶⁷

In his last moments the old man's mind was busied with the problems that confronted his successor, whose character he knew. We have the testimony of an eye-witness. The priest, Don Fidel Maiz, had just administered the Extreme Unction and the sick man lay quiet. Suddenly he spoke to his son Francisco Solano who was watching nearby:

"There are many pending questions to ventilate; but do not try to solve them by the sword but by the pen, chiefly with *Brasil*."

⁶⁶Consul Henderson to Clarendon, Asunción, January 31, 1856, F. O., 59.14, despatch no. 4.

⁶⁷Consul Henderson to Clarendon, Asunción, February 1, 1856, report, F. O., 59.15.

He pronounced the italicized words with emphasis The general remained silent; he did not answer his father, who also after he had finished speaking remained silent. . . . He was not long in breathing his last.⁴⁵

We may not infer anything from the silence of a son at such a moment; but we know that Francisco Solano López had long been revolving the possibilities of a war with Brazil. Less than two months after his father's death he met the American Minister and in the course of conversation referred "to the difficulties impending between Paraguay and Brazil;" he then proceeded to express his admiration for that naval portent, the *Monitor*, and said he would like to have some more information about her. Washburn grasped his meaning and replied light-heartedly. He wrote to Seward:

I assured him that if he wanted to whip Brazil, or any other of his neighbors, the Yankees would furnish him the tools to do it with greater dispatch, on more reasonable terms, giving at the same time a more efficient article than could other nation or peoples . . .⁴⁶

⁴⁵F. Maz to M. L. Ollerios, Arroyos y Esteros, September 12, 1905, text in Ollerios, *Alberdi á la luz de sus escritos en cuanto se refieren al Paraguay*, p. 341.

⁴⁶Washburn to Seward, Asunción, November 2, 1862, State Department MSS, Paraguay Diplomatic, I.

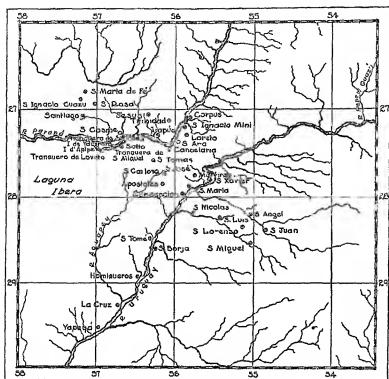
CHAPTER III

THE PARAGUAYAN-ARGENTINE BOUNDARY QUESTION

Imperial Spain bequeathed to the emancipated Spanish-American nations not only her own frontier disputes with Portuguese Brazil, but problems which had not disturbed her, relating to the exact boundaries of her own viceroyalties, captaincies general, audiencias, and provinces. The frontier regions were generally wild and populated, if at all, by savage Indian tribes. Only the continual sapping and mining of Portugal's subtle policy of expansion into just such undefined regions roused Spain to the need for exact surveys. Possible overlappings of authority among her own loosely defined administrative divisions could not be important, since there was no discussion about jurisdictions in the populated districts. Just such questions, however, are elevated into matters of "life and death," "vital interest," "national honor," by the insatiable appetites and monstrous superstitions of the modern nation-state; and such questions have, in fact, been the nightmare of international relations in Latin America since the emancipation of that continent from Spain and Portugal.

Paraguay has to east and west and south the well defined natural frontier formed by the two great streams of the Paraná and the Paraguay. The Republic as it existed before 1865 may be called the joint basin of those two rivers with the Cordilleras of Amambay and Caáguazú as the watershed—all rivers and "arroyos" flowing from the east slopes of the Cordilleras being tributary to the Río Paraná, those from the west to the Río Paraguay on which is situated the capital, Asunción.

The Argentine Confederation and Paraguay inherited one problem to the east and another to the west of their common frontier, the Paraná. To the west lay the mysterious and, to the present day, largely unexplored region of the Gran Chaco that constituted the entire western bank of the Río Paraguay from its junction with the Paraná at the Tres Bocas, just north and east of Corrientes, right up to the distant Bahía Negra and the vague meeting place of Paraguayan, Brazilian, and Bolivian sovereignties.



THE MISIONES TERRITORY IN DETAIL.

To the east of this Paraná frontier lies the region that on contemporary maps is marked as the territory of the Misiones of the Argentine Republic, lying at the extreme northeast of the Province of Corrientes between that Province and the Brazilian frontier—the other two sides of the territory clearly defined by the rivers Paraná and Uruguay that here converge and recede. Looked at broadly, the rivers Paraná and Uruguay approach each other as do the sides of an hour-glass. The neck of the hour-glass is occupied by the present territory of the Misiones. This territory constituted the other frontier problem of the two republics before the great war of 1865-1870.

There are two chief aspects from which a frontier question may be approached—from the point of view of historical and legal claims and from that of effective occupation.

The "doctrinas," or villages of converted Indians where no regular parish had been established, were founded by Jesuit missionaries between 1624 and 1628. Subsequently they were raised to the status of *pueblos*, or towns; and Royal Ordinances of 1650, 1651, and June 15, 1654, prescribed the mode of appointment of the priests who were to direct them. The Governor of Paraguay administered the Royal Patronage, which was confined to the selection of one of three candidates presented to him for each vacancy. There were thirty such *pueblos* along the Paraná and Uruguay rivers.

A Royal Ordinance of November 10, 1659, declares that "there are thirteen *pueblos* which have always remained in the jurisdiction of Paraguay." This assertion was confirmed by another Ordinance of December 28, 1743, which expressly details the names of the missions. Of the thirteen *pueblos* eight were situated on the right bank of the Paraná: Santa María de Fé, San Ignacio Guazú, Santa Rosa, Santiago, San Cosmé y Damian, Itapúa, Trinidad, and Jesús; and five on the left: Candelaria, Santa Ana, Loreto, San Ignacio Miní, and Corpus. Those of the right bank, always situated in unquestionable Paraguayan jurisdiction, several indeed far from the river, need not detain us. These thirteen missions comprised the old department of Candelaria.¹ Buenos Aires, which was made a separate province, independent of Paraguay, in 1618, had been assigned seventeen of the thirty *pueblos* that made up the Misiones, and the jurisdiction was understood to extend to the Misiones of the Río Uruguay. This rough demarcation was also observed by the bishoprics of Paraguay and Buenos Aires.

In the early years of the eighteenth century, however, a dispute arose between the civil and ecclesiastical authorities of the two provinces as to the jurisdiction of certain of these *pueblos*. By a Royal Ordinance dated February 11, 1724, the King of Spain ordered the bishops of the two dioceses to agree on means to terminate their differences. They accordingly designated arbitrators and agreed to accept their decision. The arbitrators met at Candelaria and ruled that in the territory of Misiones the juris-

¹*Appendix and Documents Annexed to the Memoir Filed by the Minister of Paraguay on the Question Submitted to Arbitration*, pp. 200-201.

diction of the bishop of Paraguay extended over the area drained by the streams emptying into the Paraná, and that of the bishop of Buenos Aires over those tributary to the Río Uruguay.² The territory was thus divided along the line of its watershed, the Cordillera of Misiones.³

By the Royal Decree of November 6, 1726, the thirteen pueblos of the Paraguayan Misiones were separated from Paraguay and attached to the jurisdiction of Buenos Aires. The decree, which is very explicit, was occasioned by the disturbances connected with the Revolution of the Comuneros initiated by Governor José de Antequera y Castro, favored by the Franciscans, sustained by the *cabildo* of Asunción and directed against the arrogance of the Jesuits.⁴

Thus the thirteen pueblos of the Misiones were separated from the jurisdiction of the Governor, although by the Decree of 1726 they still remained, for ecclesiastical purposes, under the Bishop of Paraguay.⁵

In 1762 Governor José Martínez Fontes petitioned for the return of the thirteen pueblos to his jurisdiction, and the claim was renewed by his successor Pedro Melo de Portugal, with the result that on July 14, 1784, the Viceroy of Buenos Aires ordered a partition of the thirty pueblos; the Intendant-General Governor of Paraguay to receive the thirteen formerly belonging to his jurisdiction.⁶

The Imperial Government, in pursuit of its consistent and enlightened policy of raising the status and protecting the rights of the Indians, a policy that was as persistently thwarted by the local authorities, came to the conclusion that the expulsion of the Jesuits from their missions in 1767 implied the assumption of responsibility by the Government for the Indians, whose social life had been disrupted and who had been left defenseless against the ruthless exploitation of the Spanish settlers. In fact the expulsion of the Jesuits, whatever may have been its European and

²Graty, *La république du Paraguay*, pp. 109-11.

³Audibert, *Los límites de la antigua provincia del Paraguay*, I, 320.

⁴Báez, *Resumen*, p. 30.

Audibert, *op cit.*, I, 320; Graham, *A Vanished Arcadia*, pp. 217-18.

⁵*Appendix and Documents*, p. 201.

⁶Audibert, *op cit.*, I, 320-22.

diplomatic causes, represented the final triumph of the colonists over their old enemies the Jesuits who had for so long stood between their Indian wards and the predatory and ruthless slave-drivers. But such remedial measures by the King were already too late. In order to carry out a policy of admitted delicacy and difficulty and to place the Indians under a Government exclusively devoted to their interests, a Royal Decree was issued on May 17, 1803, at Aranjuez separating the seventeen Uruguay missions from Buenos Aires and the thirteen Paraná missions from Paraguay. The thirty Guaraní and Tapé pueblos of the Misiones territory were consolidated into a separate province under Lieutenant Colonel Bernardo de Velazco as political and military governor "with absolute independence of the Governors of Paraguay and Buenos Aires."⁷

This arrangement did not last long. Shortly after the creation of the new Province of Misiones the Junta of Fortifications and Defense of the Indies brought in two reports on September 12 and 18, 1805, pointing out the military convenience of uniting the two provinces of Paraguay and Misiones and also suggesting that Don Bernardo de Velazco be appointed Governor of Paraguay in addition to his office of Governor of the Misiones in order to carry out the policy of dissolving the *encomiendas*—a policy which was meeting great difficulties in Paraguay.

In view of these recommendations an Ordinance was issued, and on March 24, 1806, the Viceroy of Buenos Aires, the Marquis de Sobre Monte, wrote to Velazco to inform him that by order of His Majesty he was appointed "Military and Political Governor and Intendant of the Province of Paraguay together with the thirty pueblos of the Missions of Guaraní and Tapé Indians of the Uruguay and Paraná." Accordingly Governor Velazco assumed his combined office at Asunción on May 5, 1806.⁸

This was the last contribution of Spain to the legal elucidation of this question. In 1810 the national revolution took place in Buenos Aires; and when on June 9, 1811, Governor Velazco was deposed by his two associates in the Junta which he had constituted on May 15, as a concession to the revolution, he was still

⁷Text of *cédula real* of May 17, 1803, *ibid.*, I, 324-26, note.

⁸*Ibid.*, pp. 327-8.

Governor of Paraguay and the Misiones. If the test of ownership of disputed territory in Latin America is to be the *uti possidetis* at the moment of independence, then unquestionably on May 14, 1811, Paraguay in the assertion of that independence succeeded to the jurisdiction of the constituted Spanish authority which extended over the Province of Paraguay and the thirty pueblos of the Province of Misiones.

By the Treaty of October 12, 1811, by which Buenos Aires recognized the effective independence of Paraguay, her jurisdiction over part of the Misiones was equally recognized in the fourth Article:

... Until with fuller information the definitive boundary of both Provinces on this side has been established in the General Congress, the frontiers of this Province of Paraguay are to remain, in the meantime, in the form in which they are at present. Consequently, its Government charges itself with the care of the department of Candelaria.⁹

Mitre, commenting on this treaty, writes: "all the perseverance, ability and gains were on the part of the astute Paraguayan diplomat" [Dr. Francia].¹⁰

Let us turn now to the question of effective occupation. Francia always maintained his authority in this region. In 1825 when the various revolutions, alarms and excursions of the *caudillos* of Corrientes and Entre Ríos affected in their backwash the territory he regarded as Paraguayan, the Dictator dispatched various columns successively across the country as far as the Uruguay, routing out the bandits that preyed on the pueblos and destroying those villages that had been their headquarters. The same year he established two camps on the left bank of the Paraná at Salto and Tranquera de Loreto. He maintained stray detachments at these two posts and at San Miguel, supplied by their own cattle-ranches and ever ready to repel revolutionary incursions.

In 1832 he shifted one of the camps from Salto to the Trinchera de San José and constructed permanent lines consisting of a series of strong earth-works. At the same time he posted a guard at Santo Tomás and Candelaria.¹¹ He made no attempt to exer-

⁹*Archivo diplomático y consular del Paraguay*, I, 7. The department of Candelaria consisted of eight missions: Candelaria, Santa Ana, Loreto, San Ignacio Mini, Corpus, Itapúa, Trinidad, Jesus.

¹⁰Mitre, *Historia de Belgrano y de la independencia argentina*, II, 27.

¹¹*Appendix and Documents*, pp. 208-9.

Martínez, *Historia de la provincia de Entre Ríos*, II, 309.

cise jurisdiction over any point on the left bank of the Uruguay. The government of Carlos Antonio López continued to maintain the same posts and frequently sent columns across the country as far as the Río Uruguay. At the time of the disturbances round Homiqueros he maintained a camp even in this distant pueblo situated on the Uruguay below Santo Tomé.¹²

By the Treaty of July 31, 1841, between Paraguay and the Province of Corrientes a provisional boundary was, as we have seen, established. It is worth noting that by this treaty Carlos Antonio López was willing to surrender half the territory of Misiones. Article II declares:

Without prejudice to the rights of the Republic of Paraguay and of Argentina, the camping grounds known as San José de la Rincanada and the suppressed pueblos (*Pueblos extinguidos*) Candelaria, Santa Ana, Loreto, San Ignacio Mini, Corpus, and San José as far as the Tranquera de Loreto are recognized as belonging to the former, and San Carlos, Apóstoles, Mártires, and the rest on the bank of the Uruguay to the latter.¹³

This treaty, which, as we have seen, was the cause of all that woe with Rosas, was perfectly invalid, since Corrientes, as a Province of the Argentine Confederation, had no authority to negotiate concerning frontiers with anyone. But it indicated a willingness on the part of Paraguay to revert to the early partition of the thirty pueblos and to confine herself to the thirteen she had administered before 1803. The treaty with Corrientes may account for the fact that Du Graty in his *La République du Paraguay* includes a large map indicating the partition as though it had been definitive, an error repeated by Poucel in his *Le Paraguay Moderne*.

The next stage of the problem is reached two days before the formal recognition of the independence of Paraguay by the Government of General Urquiza, with the signature of a treaty relating to navigation and boundaries with the Argentine Confederation on July 15, 1852.¹⁴

Article I provides that the Río Paraná is the boundary between Paraguay and the Argentine Confederation from the Brazilian territory to the Island of Atajo, that lies at the junction of the Paraguay and Paraná rivers. At a stroke, therefore, the Para-

¹²Appendix and Documents, p. 209.

¹³Archivo diplomático y consular del Paraguay, I, 15.

¹⁴Ibid., pp. 45-8.

guayan claim to the Misiones was given up. This treaty was, however, disallowed, as we shall see, by the Congress of the Confederation because of the clauses relating to the frontier in the Chaco. At this point Paraguay's boundary dispute with the Argentine Confederation becomes for a moment entangled in that with Brazil. Elsewhere is discussed the thorny problem of the Paraguayan-Brazilian boundaries. It will be sufficient here to indicate that for the sake of support against Brazil and for the sake of a worthless piece of territory in Matto Grosso Carlos Antonio López was willing to surrender the Misiones, a territory not only rich in itself—it was a valuable center of the yerba culture—but also affording Paraguay a direct access to the Brazilian Province of Rio Grande do Sul by way of the Río Uruguay and down that great artery to the Río de la Plata. A land-locked country like Paraguay depends absolutely for its economic life on free access to any navigable river that may flow through or near it. Article VII of this treaty conceded the hermit state freedom of navigation of the Paraná and its affluents to the Paraguayan flag, but to sacrifice the alternative Río Uruguay route was too high a price to pay, nor would Paraguay have paid it but for her intense distrust of Brazil and excessive concentration on her northern frontier.¹⁵ Let us now turn to the other boundary question with Argentina—that relating to the frontier through the Gran Chaco.

Asunción, the Capital of Paraguay, was founded in 1536 on the left bank of the great river that gives the Republic its name. On the right bank stretched the trackless Chaco, the haunt of savage Indian tribes liable at any moment to emerge from their wilderness of long grass, jungle and swamp to raid the Spanish settlements on the rich lands of the eastern bank. From the date of its foundation to the present day by expeditions, by settlement and by the planting of military posts, the authorities of Asunción have exercised jurisdiction over the Chaco. A number of rivers traverse this territory in a direction roughly west-north-west to east-south-east, of which it is necessary to mention only two, both of which have their sources in the distant valleys of the eastern Andes—the Bermejo and the Pilcomayo. In 1585 Cap-

¹⁵Báez, *Resumen*, p. 97.

tain Alonso de Vera y Aragón founded the most ancient of the Paraguayan settlements in the Chaco, the City of La Concepción de la Buena Esperanza del Bermejo on the right bank of the Bermejo and ninety miles above its junction with the Río Paraguay.¹⁶

By a Royal Ordinance of 1618 the immense Province of Paraguay, which at that time embraced the entire valley of the Río de la Plata, was divided into the two provinces of Buenos Aires and Paraguay. By this partition Buenos Aires received the territory south of the City of La Concepción, that is, south of the Río Bermejo, including the cities of Corrientes and Santa Fé. Thus the southern Chaco between the Ríos Bermejo and Salado came under the jurisdiction of Buenos Aires. North of this line the activity of Paraguay was continuous.

In addition to missionary enterprise in the Chaco centering in Asunción, there were also a number of exploring expeditions equipped and dispatched from that city. In 1721 the Jesuit Fathers Patino and Niebla ascended the Pilcomayo River in two vessels on an exploring expedition to a distance of more than 250 Spanish leagues. Father Amancio Gonzales Escobar in the decade of 1771-1780 undertook extensive journeys from Asunción into the interior in search of Indians to convert.¹⁷ In 1740 Colonel José Espinola set out from Asunción to explore the interior of the Chaco. He traversed it from east to west as far as the Province of Salta and then returned again across the territory, keeping a careful diary of his explorations.¹⁸

In 1792, in order to check the continuous advance of the Portuguese tide swelling on slowly from Coimbra and Albuquerque, the Viceroy ordered the Intendant of Paraguay, Don Joaquín de Alos y Brú, to build a fort on the Chaco side of the Río Paraguay. Accordingly, advancing up the river to within striking distance of the Portuguese settlements he founded Fort Borbon. It was admirably placed to check any encroachments, for it controlled the territory on the Chaco side as far as the Río Negro (Otuquis or Bahía Negra).¹⁹ From then on Fort Borbon, or Olympo as it was later called, was continuously garrisoned. Other fortified

¹⁶*Appendix and Documents*, p. 213.

¹⁷Audibert, *op. cit.*, I, 295; and chapter XVI.

¹⁸*Appendix and Documents*, p. 220.

¹⁹Audibert, *op. cit.*, I, 311-13.

posts were maintained at Forts Santa Elena, Monteclaro, Formosa and Orangel, and the orders of Dr. Francia to the Sergeants-in-charge remain to prove the effectiveness of the Paraguayan surveillance of the eastern Chaco.²⁰ Though situated on the east bank of the river, they were the centers from which punitive expeditions were directed against the Chaco Indians. Later they were supplemented on the same side by a close-set chain of fortified posts stretching from Asunción south to below Humaitá and by another wider spaced line stretching north to beyond Concepción.

By the Treaty of July 15, 1852, between Paraguay and the Argentine Confederation to which reference has already been made in discussing the territory of the Misiones, the sovereignty of Paraguay over the Gran Chaco north of the river Bermejo is implicitly recognized by two articles. Article IV reads:

The Río Paraguay belongs from bank to bank in absolute sovereignty to the Republic of Paraguay as far as its junction with the Paraná, and Article V:

The navigation of the Río Bermejo is completely common to both states²¹

The critical clause that caused the failure of this promising negotiation was Article VI, which reads:

The bank from the mouth of the Bermejo to the Río Atajo is neutral territory to the depth of one league; by common consent the high contracting parties cannot locate there any military camps or police posts even for the purpose of observing the savages that inhabit that shore.

The Congress of the Argentine Confederation ultimately refused to ratify the treaty because of this clause. Señor Báez suggests that the motive of López in inserting this clause was his desire to "square" Paraguayan territory, as he had an *idée fixe* on the subject. He adduces as evidence of this "square" complex the fact that F. S. López, when in Paris in 1854, ordered M. Cortambert to design a map of Paraguay, largely made up of frontiers that cut at right angles.²² Perhaps he had been studying a map of the western territories of the United States.

A simpler explanation was the one adduced by Dr. Derqui, the Argentine plenipotentiary, that the clause was "insisted on by the Paraguayan Government as necessary to the external security of

²⁰Appendix and Documents, pp. 293-99.

²¹Archivo diplomático y consular del Paraguay, I, 46.

²²Báez, *Resumen*, p. 89.

the Republic."²³ A glance at the map shows that the neutralized territory commands the site on the left bank that was later to be occupied by the famous fortress of Humaitá. Humaitá was strong enough without a neutral zone, but the military preoccupation is obvious. Since there had clearly been a hitch in the negotiations as to whether the Pilcomayo or the Bermejo were the boundary, the insertion of this neutralization clause makes the implicit recognition of the line of the Bermejo more definite, for if the Confederation were later to claim the Pilcomayo it would be impossible to evade the testimony of this article. The fact that the Congress of the Confederation rejected the treaty because of this clause implies a desire to claim the Pilcomayo frontier. Carlos Antonio López immediately ratified the treaty, but it was not until three years later that the Argentine Congress definitely rejected it, and Urquiza appointed General Guido to negotiate a new treaty.²⁴ The first hitch occurred immediately after the publication of the text of the treaty at Buenos Aires. On August 22, 1852, the Bolivian Chargé d'Affaires, J. de la Cruz Benavente, protested against Article IV, which asserts the full sovereignty of Paraguay over the river of that name "from bank to bank," as prejudicial to Bolivian claims to the Chaco region.²⁵ On August 26, Rodrigo de Souza da Silva Pontes, the Brazilian Minister, followed suit with a protest against the reference in the treaty to "Brazilian possessions" as needing definition (a plain hint that the Argentine-Brazilian-Paraguayan frontiers in the Misiones required determining); and against the Article that guaranteed the mails between Encarnación, Paraguay, and San Borja in Brazil, pointing out that Brazil should be a party to such a guarantee. He concluded by protesting against the Bolivian protest and denying that Bolivia was a riverain!²⁶ Both diplomats professed to be satisfied with the assurances given by L. J. de la Peña, the acting Argentine Foreign Minister, that the rights

²³*Ibid*

²⁴Consul Henderson to Clarendon, Asunción, December 21, 1855, F. O., 59 12, despatch no. 29.

²⁵Hotham to Malmesbury, Buenos Aires, August 26, 1852, F. O., 59 2, despatch no. 23.

²⁶Hotham to Malmesbury, Buenos Aires, September 6, 1852, F. O., 59.3, despatch no. 28.

of their respective countries were in no way prejudiced by the Argentine-Paraguayan treaty. This prospect of international complications may have given the Argentine Government pause; at any rate there was a sufficiently strong body of public opinion both in Buenos Aires and in the provinces opposed to the cession of Argentine claims on the Chaco to lead to the definite refusal of ratification.

By a decree of May 14, 1855, Carlos Antonio López further consolidated Paraguayan claims by planting a foreign colony at Nueva Burdeos, later known as Villa Occidental (and finally Villa Hayes), on the Chaco side of the Río Paraguay a short distance north of Asunción.³⁷ The foreign colony left as a result of disputes with the Government, but the native element stayed and flourished. By 1862 a whole system of military posts had been constructed on the Chaco side of the river with a view to protecting the environs of Asunción from Indian raids. Of this system of defense Villa Occidental was a part.

The thread was picked up again by the negotiation of a treaty of commerce, friendship and navigation signed at Asunción on July 29, 1856. It is quite an elaborate document in thirty-two articles relating to postal regulations and other means of increasing international intercourse. Article XXIV reads:

The settlement of the boundaries between the Republic of Paraguay and the Argentine Confederation is postponed.

Article XXV:

Notwithstanding the agreement in the preceding article the Island of Yacireta in the Paraná is declared to belong to the Republic of Paraguay; and that of Apipé to the Argentine Confederation.³⁸

Though a treaty had been negotiated, the perilous question remained unsettled. The British Consul at Asunción thus described the territorial claims advanced by the Argentine Government through General Guido:

The Argentine Government claims the territory in the Gran Chaco, comprising the right bank of the River Paraguay up to the Bolivian territory, and also the territory forming that part of the old Missions which is on the left bank of the River Paraná. To both these portions of territory the Paraguayan Government maintains its right and to the

³⁷ *Appendix and Documents*, p. 226; Báez, *The Paraguayan Chaco*, p. 35.

³⁸ *Archivo diplomático y consular del Paraguay*, I, 97-104.

first especially attaches great importance, as securing to it the exclusive sovereignty over both banks of a part of the River Paraguay.³⁹

Article VIII provided that six months' notice was to be given in the event of war between the two high contracting parties before active hostilities could be begun. Article XXXII fixed the time limit of six years for the duration of the treaty from the date of the exchange of ratifications. The British Consul wrote:

The principal difficulty in the settlement of the Question of Limits, between the Argentine Confederation and Paraguay, has reference to the territory on the right bank of the River Paraguay, little importance being attached by the Paraguayan Government, to that situated on the left bank of the River Paraná, which was in fact ceded to the Confederation by a Treaty made in 1852, but which did not obtain the ratification of the Argentine Congress.⁴⁰

In his message of March 14, 1857, to the Paraguayan Congress (which, after a comedy of repeated elections by the worried deputies and repeated refusals on his part, finally "persuaded" him to remain President of the Republic since his son, Francisco Solano López, modestly refused to accept so high an office) Carlos Antonio López dwelt on the rejection of the Treaty of 1852 and the renewed negotiations of General Guido. He pronounced the Argentine claim to the left bank of the Paraná up to the Iguazú or Curitiba and to the right bank of the Paraguay up to the 22° of latitude quite unacceptable, since it involved the abandonment of or rendered useless the Forts of Humaitá, Tacumbo, Saturno, Olympo, and Marte. Yet the Chaco was, he said, admittedly useless to either party, "this Government limiting its unconditional right to a certain marginal extent from the confluence with the Paraná up to Bahía Negra."⁴¹

The same year he had occasion further to define his claims. A company of Salta had made a contract with the Argentine Government to navigate the Bermejo, "one of the conditions of the contract being that the company should receive certain grants of land on the banks of the river." Paraguay protested on the ground that "lands were given away by the Argentine Govern-

³⁹Consul Henderson to Clarendon, Asunción, July 21 and August 8, 1856, F. O., 59.14, despatches nos. 17 and 20.

⁴⁰Consul Henderson to Clarendon, Asunción, August 12, 1856, F. O., 59.14, despatch no. 24.

⁴¹"El semanario," March 28, 1857.

ment on territory where the limits between the two countries had not as yet been defined." The Argentine Government in reply maintained its right to grant lands on the right bank of the Bermejo. López, however, told the British Consul that Paraguay would never allow Argentine establishments to be founded at the mouth of the Bermejo.²²

The result of all the discussion had been the determination of sovereignty over two islands in the Paraná in the neighborhood of the Misiones. The whole question had been postponed. The naval expedition of the United States against Paraguay in 1859 led in its political repercussions to further approaches. Joaquim Thomas do Amaral was sent to Asunción officially to tender the good offices of Brazil in the controversy. A few days after his arrival General Urquiza, President of the Argentine Confederation, accompanied by General Guido, also appeared at Asunción, on January 16, 1859, on the same disinterested errand. The Brazilian envoy worked entirely independently of Urquiza, and the two missions were evidently rivals. It was rumored that Brazil would seize the opportunity of a boundary settlement. The British Consul reported:

The Argentine Mission I know was anxious to avail itself of so favorable an occasion to settle the question of limits between Paraguay and the Confederation, and I am led to believe that it was also desirous of forming an alliance with Paraguay against Buenos Aires. No arrangement of either nature has however as yet been arrived at.²³

The continuance of the crisis in the relations of Buenos Aires and the Confederation led to a further overture to Paraguay shortly after. On April 12, 1859, Luis José de la Peña, the Foreign Minister of the Confederation, arrived at Asunción as Envoy Extraordinary and Minister Plenipotentiary. The object of his special mission was kept secret. Wrote the British Consul:

I am informed that he was sent here to endeavor to obtain the co-operation of this Government in a war which the Argentine Government appears to be projecting against Buenos Aires; but that he has failed in inducing it to take part in this war. It is said, however, that the Paraguayan Government would have agreed to do so on the condition that

²²Consul Henderson to Clarendon, Asunción, July 24, 1857, F. O., 59.16, despatch no. 29.

²³Consul Henderson to Malmesbury, Asunción, February 12, 1859, F. O., 59.20, no. 3.

the Question of Limits between Paraguay and the Argentine Confederation should be previously settled by the cession to Paraguay of the contested territory.

Though López seems to have raised Urquiza's hopes, the utmost he would do was to offer his mediation to both parties.³⁴ The caution of López is the more remarkable in that his relations with Buenos Aires were far from friendly. A series of small incidents had already led to one rupture of relations and López charged the Porteños with favoring Paraguayan traitors.³⁵ By insisting on a strategic consideration which tragical events were to demonstrate unnecessary, Carlos Antonio López had postponed a settlement at a time when agreement would have been comparatively easy, for Urquiza was friendly. The situation in the region of the Río de la Plata was changing rapidly. After Caseros a confused transition inaugurated the national reorganization of the Confederation and the building of the Argentine nation-state. What if sovereignty should shift from friendly to unfriendly hands, and Paraguay were to find herself confronted by an unbending assertion of Argentine claims? What if instead of the Provincials whom she understood, she were confronted by her old enemies the hated "Porteños?" But President López did not linger over such speculations. Like "Oom Paul," he stood on his rights. And so we come to an end of this aspect of the claims of Paraguay against the neighbor about whom she nourished such dark preconceptions. It is a story that revolves around the forgotten journeys and nameless devotion of the priests and explorers of Imperial Spain; an epic story that leads us through strange byways of the centuries; a story that should be told in the prose of a poet whose imagination is attuned to the high heroism of his theme. Study a map of El Gran Chaco—it is dotted with names, and every one spells a great adventure; study a map of the territory of the Misiones and dream for a moment on the far wanderings of the Jesuits and Franciscans along the broad Paraná and Uruguay and over the passes of the Cordillera

³⁴Consul Henderson to Malmesbury, Asunción, May 14, 1859, and July 30, 1859, F. O., 59.20, despatches nos. 15 and 24.

³⁵Consul Henderson to Clarendon, Asunción, February 3, 1856, F. O., 59.15; Consul Henderson to Malmesbury, Asunción, June 20 and November 28, 1858, F. O., 59.18, despatches nos. 13 and 22.

"through deserts of lost years"; hunt for the lonely outposts of the strange Republic of Paraguay—names that flit for a moment into history in the monosyllabic orders of the great Dictator, and you realize the passionate energies that have steeped these lands in historical dreams, dreams that in these years were once again gathering like storm-clouds and threatening the peace of the great valley.

CHAPTER IV

MITRE, FLORES AND THE BLANCOS

No understanding of the acute crisis in the Republics of the Río de la Plata, which may be said to have begun at the battle of Pavón and ended on the banks of the Aquidaban is possible without a preliminary survey, however brief, of the historical origins of the political parties whose struggles in Argentina and Uruguay precipitated the great war, the origins of which we are considering.

The struggle between Argentina and Brazil for the Banda Oriental del Uruguay, and the struggle of this "dark and bloody ground" of South America for independence, entered its decisive phase in the expedition of the "Thirty-three Immortals" of Uruguay under the leadership of Juan Antonio Lavalleja in 1825. After declaring their independence they pledged their adherence to Buenos Aires, whose acceptance led to the declaration of war by Brazil on Argentina. At the battle of Ituzaingó on February 20, 1827, the Imperial forces were decisively routed by the Argentines and Uruguayans. Peace followed in May, 1827, with the recognition by Brazil and Argentina of the independence of Uruguay.¹

Fructuoso Rivera was elected first President of Uruguay under the Constitution of 1830. He had been one of the trusted lieutenants of Lavalleja in the expedition of the Thirty-three. His former chief, with whom he had quarrelled even before the Constitution of 1830 was framed, rose against President Rivera in 1832 and 1834, was beaten on both occasions and compelled to take refuge in Brazil.

Rivera was peacefully succeeded in 1834 by Manuel Oribe, another hero of the war of independence. But Rivera's suspicions were aroused by the policy of Oribe in allowing the exiled Lavalleja to return to Uruguay and his own removal from the post of Commander-in-Chief. Rivera rose against Oribe, whom he accused of acting under the influence of the Argentine Dictator, Rosas. Rosas confirmed his charges by sending troops

¹Robertson, *History of the Latin-American Nations*, pp. 192-3.

under Lavalleja to aid Oribe against Rivera, who was defeated by his rival at the battle of Carpintería on September 19, 1836. At the battle Oribe's men carried white pennants, Rivera's red. Here we have the first appearance of the two names that were to divide the allegiance of Uruguayans from 1836 to the present day—Blancos and Colorados.

In 1838 Rivera returned and routed Oribe who fled to Buenos Aires. Rivera was re-elected President, and on March 10, 1839, secure of the support of the Argentine Unitarian *émigrés*, and of France, who was quarreling with the Argentine Dictator, avenged himself on Rosas for the help he had afforded Oribe by declaring war upon the tyrant but not on the people of Argentina.

In 1843 Oribe with the aid of the forces of Rosas defeated Rivera and invested the Colorados in Montevideo. The great siege that followed lasted till 1851 and attracted world-wide attention. France and England in pursuance of their struggle with Rosas lent their assistance.² Mitre and Andrés Lamas distinguished themselves in the superb defense. Montevideo became a city of refuge for all the enemies of the great Dictator.

Here we see the origin of the extraordinary confusion of party relationships in Argentina and Uruguay. Oribe by calling in Rosas had brought a veritable Trojan horse into Uruguay. The struggle between the Federals and Unitarians in Argentina was transferred to Montevideo—the Blancos of Oribe and the Federals of Rosas outside the walls of the devoted city, the Colorados of Rivera and the Argentine Unitarians of Alsina, Mitre and the rest, within. National boundaries were transcended in the titanic party strife of these great spirits.

The years of Argentine history between 1829 and 1852 have been called "the age of Rosas." The power of the great Dictator emerged from the turmoil of the period from 1816 to 1829 known as "the period of anarchy." The revolutionary work of the Junta of Buenos Aires had culminated with the Congress of Tucumán in 1816, which had called into existence the new state under the name of the United Provinces of la Plata. In 1819 a general Congress held at Buenos Aires framed a unitary or centralistic constitution which was opposed by certain of the provinces.

²*Ibid.*, pp. 258-9.

Here we see the origin of the two famous parties, or rather tendencies, in Argentine history, the Unitarian and the Federal. Under Governor Rodríguez of Buenos Aires, Bernardino Rivadavia, the greatest of the Unitarian statesmen, began his reforms. A further attempt to organize the new state was made in 1824, when another general Congress met in Buenos Aires. This Constituent Assembly, representative of a number of the provinces, provided by a fundamental law of January 23, 1825, that the provinces should continue to govern themselves until a national constitution had been promulgated. In the meantime Las Heras, the Governor of Buenos Aires, was invested with the national executive authority.

By a law of February 6, 1826, the Congress established the executive power of the United Provinces. Rivadavia was elected President, and once more against the protests of the advocates of Federalism a centralistic constitution was promulgated on July 19, 1826. The resistance of the Federals culminated in the rebellion of the Province of Córdoba under its Governor, General Busto, soon joined by Facundo Quiroga, "the tiger of the pampas." In July, 1827, Rivadavia, unable to make headway against the crisis, resigned. The Congress was dissolved by the Acting President, and the Provincial Legislature of Buenos Aires resumed its functions. On August 12, 1828, it elected as Governor of the Province Colonel Manuel Dorrego, an ardent Federal who had imbibed his political ideas in the United States. Shortly afterwards the troops who had been engaged in the war with Brazil, which had ended with the victory of Ituzaingó and the consequent establishment of the Republic of Uruguay, returned. Under the leadership of General Juan Lavalle, a dissatisfied Unitarian, they were not long in rising against Governor Dorrego, who fled from the city. Not long afterwards the unfortunate Governor was defeated in a skirmish, captured and immediately executed by order of Lavalle.

Dorrego had fled from Buenos Aires to win the assistance of Juan Manuel de Rosas, already a leader of the provincial gentry of Buenos Aires and the idol of the *gauchos*. A convention, representative of the provinces, met under the leadership of Estanislao López, Governor of Santa Fé, who shortly afterwards received the support of Quiroga, denounced the execution of

Dorrego as treason and murder and organized an expedition against the Province of Buenos Aires. In April, 1829, López and Rosas defeated the forces of Lavalle, who fled to Uruguay. A new Provincial Legislature was immediately convoked at Buenos Aires which elected Rosas Governor and Captain General for three years. In 1832 he insisted on relinquishing his office and went off to add to his prestige by a successful campaign against the frontier Indians. In 1835 he returned, this time to supreme power. The Legislature of Buenos Aires granted him plenary powers which were confirmed by a plebiscite of the Province. The same year twelve provinces delegated authority to him to act as the national executive of the Argentine Confederation, as the reorganized state was now called. His advent was hailed as the restoration of order, and he at once set to work to consolidate his power. A secret organization, known as the *Mazorca* or Ear of Corn to symbolize the cohesion of its members, was formed of his followers and executed his orders with blind devotion. His Unitarian enemies were harried mercilessly, and it has been "estimated that during the age of Rosas over 20,000 persons were poisoned, beheaded, shot or killed in other ways."

The Unitarians resisted his dictatorship under the inspiration of such young intellectuals as Juan Bautista Alberdi, Esteban Echeverría, Juan María Gutiérrez and Vicente Fidel López. The work of their Liberal Club, the *Asociación de Mayo*, has been compared to that of the *Carbonaro* in the reactionary Italian states before the *Risorgimento*.

Frequent risings took place in the provinces against the tyrant of Buenos Aires, but for many years Rosas was uniformly successful in suppressing them. As we have seen, his intervention in Uruguay, where Montevideo was a base of operations against him for his Unitarian enemies, led to complications with France and England from which he emerged with heightened prestige.³

The situation was transformed by the historic *pronunciamiento* of Justo José de Urquiza, Governor of the Argentine Province of Entre Ríos, against the tyrant of Buenos Aires on May 1, 1851. On May 29, the representatives of Urquiza, the Empire of Brazil, and the Colorados of Montevideo signed a treaty of alliance di-

³For the preceding paragraphs see Robertson, *op. cit.*, pp. 228-35.

rected against Rosas. Not the least motive leading Rosas' greatest lieutenant to declare against his chief was the economic rivalry of Buenos Aires and the rest of the Argentine provinces. Rosas to consolidate his power had consistently pampered the great city which held the monopoly of the international trade of the whole Confederation. In a sense the war was the struggle of Entre Ríos followed by other provinces and led by the great *estanciero*, Urquiza, for the economic emancipation of the Confederation from the yoke of Buenos Aires, which should be followed by a national reorganization that would put the Porteños and their city in their places. The alliance of the lieutenant of Rosas, bent on dethroning Buenos Aires, with the old and new Unitarian enemies of the tyrant, bent on reorganizing the nation under the enlightened leadership of the capital, was in the nature of things a *mariage de convenance*.

At first all went well. In a brilliant campaign Urquiza crossed the Uruguay and marched to the relief of Montevideo. Oribe's forces melted away on his approach, and on October 8, 1851, Urquiza by proclaiming the formula "there are neither victors nor vanquished", ended the civil war between Blancos and Colorados, embodied most of the forces of Oribe and Rosas in front of Montevideo, together with the Colorado defenders, in his composite army, and marched west to meet the arch-enemy. At King-making Caseros the sword of Urquiza liberated Argentina from the monstrous incubus that had weighed on her for more than twenty years. The great assassin fled to spend the last twenty-five years of his strange career tranquilly in England on a farm near Southampton.

Despite evil tendencies, his long and arbitrary rule had improved the efficiency and honesty of public administration and had restricted or destroyed the power of *caudillos* or local tyrants whose faces were set against nationalism. The Age of Rosas was a period of transition between anarchy and constitutional reorganization. An Argentine writer has likened Rosas to Louis XI of France.⁴

What depressed the spirits of Urquiza in the days before Caseros was the strange indifference of the people of Buenos Aires Province toward the liberating army. Maybe they did not want to be liberated. Perhaps the tyrant had bribed them too well.

⁴*Op. cit.*, pp. 235-36

The man who at Montevideo had pronounced the lofty and reconciling words "there are neither victors nor vanquished" now committed a tragic and terrible mistake. At Montevideo the regiment of Colonel Aquino had joined the forces of Urquiza. It was composed of Buenos Aireans who had served Rosas for nine years in Uruguay. Their great and human anxiety was to see their homes again. The mistake was made of keeping them separate from the main army with the result that, once in Argentina, they became rapidly disaffected, and at Espinillo they suddenly mutinied, killed Colonel Aquino and deserted to Rosas. In his rage at this serious and demoralizing reverse, Urquiza issued a decree condemning the entire regiment to death. All members of this regiment who were captured after Caseros were immediately executed under no other authority than this infamous order. For days the holocaust continued. The unfortunate victims were shot in droves of ten or twenty. Their naked and ensanguined corpses were left unburied in heaps by the side of the most frequented roads or hung on the trees that line the great avenue leading from Palermo to Buenos Aires.⁵ Citizens of the great city venturing out to see the Liberator in the days after the battle were appalled by the infernal gauntlet they had to run. Buenos Aires never forgave this butchery of her citizens. The story ran and was widely believed that Urquiza had ordered their execution because they were Porteños.

In the meantime the Unitarians had returned after their long exile, and the old struggle recommenced. The foreign merchants, fearful for their economic monopoly in the Confederation, supported the opposition. The suspicions of all Liberals were aroused when the former lieutenant of Rosas secured by the accord of San Nicolás almost dictatorial powers for himself pending the meeting of the Constituent Assembly. These powers were conferred on the Liberator by an Assembly of Governors, many of them arch-reactionaries and henchmen of Rosas. When the Provincial Assembly of Buenos Aires refused to ratify the agreement of San Nicolás it was dissolved by force on June 24, 1852. The action of Urquiza in rescinding the order, issued immediately after Caseros, for the confiscation of all the private property of

⁵Díaz, *Memorias inéditas*, pp. 305-6.

Rosas was regarded with a deep resentment that culminated with his General Amnesty of September 3 to all expelled and fugitive persons. There was nothing in the decree to exclude even Rosas himself!⁶

Everything came to a head on September 11, 1852, when, during a temporary absence of Urquiza, a brilliantly planned and bloodless coup d'état, of which Mitre was one of the guiding spirits, drove the Federal troops from the capital. Buenos Aires had seceded from the Confederation. The British Minister on special mission to the countries of the Río de la Plata thus analyzed the forces at work:

Buenos Aires for twenty years has governed and monopolized the power and patronage of the whole Confederation; she pretends to superior intelligence, and could not submit to take part in a Congress where her privileges would be attacked, and, as she considered, her population and wealth inadequately considered. This sentiment united for the moment two parties who had hitherto been at enmity . . . But scarcely has the victory been won, when distrust and old feuds were revived; to consolidate the power of the present authorities, ten of the chiefs most influential in producing the revolution are banished from the country . . . Thus already are the seeds of civil war laid between Federal and Unitarian parties of the Province of Buenos Aires⁷

Urquiza at first wisely decided to leave Buenos Aires alone. On May 1, 1853, the Constituent Assembly of Santa Fé passed the new Constitution of Argentina, and in November Urquiza, till then the "Provisional Director of the Argentine Confederation," was elected President and inaugurated at Paraná, the capital of his Entre Ríos, on March 5, 1854. In the same year Buenos Aires replied by endowing herself with a separate Constitution.⁸ Urquiza was not long in trying to exploit the struggle between Federal and Unitarian in Buenos Aires by leading an army of the Confederation to besiege the city, while his fleet established a strict blockade. The Unitarians in the teeth of the apparently inevitable first destroyed the power of their Federal rivals in the Province and then directed against the army of the Constitution

⁶*Vide* Hotham to Malmesbury, Buenos Aires, September 6, 1852, F. O. 59.3, despatch no. 27.

⁷Hotham to Malmesbury, Buenos Aires, October 1, 1852, F. O., 59.3, despatch no. 42.

⁸Robertson, *op. cit.*, pp. 236, 238-9.

not the military force but the gold of the great city. The result was that on June 20, 1853, the whole of Urquiza's fleet deserted to Buenos Aires and the blockade was broken.⁹ By July the entire army of the besieging Liberator had been dissolved, he himself only just escaping from the victorious Liberals on a British battleship, which was characteristically on the spot and available as a refuge for a potentate in distress. After this the internal struggle in Buenos Aires was between those who desired complete and permanent independence for the city and Province and those who aimed at a Liberal revolution which would transform the entire Republic under the leadership of a Unitarian-Liberal capital.

The national struggle culminated in 1859 in open war between Buenos Aires and the Confederation, and the Confederation under the leadership of Urquiza triumphed at Cepeda. The Liberals played for time and accepted Paraguayan mediation, by which an agreement was reached. The city and Province of Buenos Aires re-entered the Confederation under their own Constitution; but the agreement if carried out would have spelt the subordination of the city to the provinces entrenched politically at their capital of Paraná guarded by the *gauchos* of Urquiza. The real revolutionaries, Mitre and the Liberals, as the old "Unitarians" now called themselves, were resolved that this "settlement" should be but a breathing space for them to reorganize their forces. For them the issue was supremacy or independence. If they could not rule the Confederation, they were determined the Confederation should not rule Buenos Aires.

It is not difficult to see in the confused history of Argentina after Caseros; in the complicated interplay of Buenos Aires and the Confederation; of Unitarian and Federal; of lofty patriotism and base intrigue, the ultimate motivation of a class struggle between the urban bourgeoisie with the unawakened proletariat at their heels and the agrarian magnates and semi-feudal *caudillos* of the provinces with their wild dependents, the *gauchos*, an agrarian class as yet unconscious of its special interests and ready to follow its lords on any adventure.

⁹Hotham to Clarendon, Buenos Aires, June 22, 1853, F. O., 59.7, despatches nos. 60 and 67

In the meantime a similar development had taken place in Uruguay. The coalition of Colorados and Blancos in which the Colorados had the majority and which had proclaimed the union of hearts before Caseros was not long in dissolving, chiefly owing to the restless intrigues of the Colorado Minister of War, Venancio Flores. He first succeeded in driving out all the Blancos and with the aid of Brazilian forces called in by both parties constituted himself President. Then he in turn was driven out by a coalition of the discontented Colorados with the Blancos. The new government, after he had lost the favor of Brazil whose army of occupation held the scales of power,¹⁰ was, therefore, largely Blanco with the infusion of a Colorado element. Inevitably Buenos Aires became the asylum of the extreme Colorados. Mitre and Venancio Flores were old friends, and the course of events led fatally to the co-operation of the exiled Colorados with their old allies the Liberals of Buenos Aires, opposed by the more or less close alliance of the Blancos with Urquiza and the Argentine Federals. Continuous raids were organized from Montevideo and Buenos Aires by the exiles against their enemies.

In January, 1856, Generals Costa and José María Flores with the acquiescence of the Montevidean Government organized an expedition against Buenos Aires. The main force of some hundred and sixty men was caught and routed at Villamayor. The scattered bands were pursued by order of the War Minister, Mitre, in the name of the Government and massacred. General Costa and a number of officials were taken prisoners and immediately executed by order of Governor Obligado. Of the hundred and sixty who had disembarked with Costa only twenty-seven survived.¹¹

In January, 1858, General César Díaz at the head of a number of Colorado exiles, who had been driven to desperation by the break-up of the party machine in Montevideo by a series of wholesale deportations ordered by the Blanco Government, organized an expedition which was winked at by the Buenos Aires Government. On January 28, after several defeats, Díaz surrendered to the government forces at Quinteros. General Medina

¹⁰Jerningham to Clarendon, Rio de Janeiro, October 14, 1855, F. O., 13.331, despatch no. 43.

¹¹Díaz, *Historia política y militar de las repúblicas del Plata*, X, 92-3.

guaranteed his passage to Brazil with his officers.¹² In the meantime President Pereira had under the stress of the crisis fallen under the influence of the extreme Blancos headed by Antonio de las Carreras, who persuaded him that condign punishment of the rebels would alone save the Republic further convulsions. In the teeth of the most urgent representations and protests of the Diplomatic Corps orders were accordingly sent to execute the prisoners and were carried out on the following days.¹³ César Díaz, one of the heroes of Caseros, and all his officers and officials were shot. The unfortunate Italians whom Díaz had recruited in Buenos Aires as privates had their throats cut and were disemboweled. Some forty-four soldiers were speared on the march from Quinteros, and their bodies left unburied on the plain. Sixty-eight of the rank and file had their throats cut at Quinteros. Altogether one hundred and fifty-two men were officially shot, disemboweled, bayoneted, and had their throats cut at Quinteros and neighboring towns. According to the British Chargé:

On six successive days from ten to twelve of the prisoners were killed in the same way [throats cut], whenever the army encamped for the evening . . . These executions were in some instances distinguished by excessive cruelty; for instance, the young men among the prisoners were stripped, given a certain start, and told to run for their lives, when they were pursued by men on horseback, who speared them, and after amusing themselves, cut their throats.¹⁴

A wave of horror greeted the news, and the British Government registered a strongly worded protest, intimating that it was considering whether it should continue to hold diplomatic relations with a Government capable of such an outrage.¹⁵

To mark its indignation at the unneutral attitude of the Buenos Airean Government and its open sympathy for César Díaz, the Uruguayan Government broke off diplomatic relations

¹²*Ibid.*, IX, 212-13.

¹³Thornton to Clarendon, Montevideo, February 16, 1858, F. O., 5197, despatch no. 21.

¹⁴*Ibid.*

¹⁵Díaz, *Historia política y militar de las repúblicas del Plata*, IX, 228-29; Thornton to Malmesbury, Montevideo, June 25, 1858, F. O., 5198, despatch no. 45.

with it and invoked the protection of General Urquiza and of Brazil, who both began to move troops before Quinteros rendered their aid unnecessary. Some of Urquiza's troops actually crossed the Uruguay. On learning this the Montevidean Government, though the rebellion had by that time been suppressed, sent "a proposal to General Urquiza that his troops should march into the town of Montevideo and occupy it, while an expedition was being concerted between themselves, the Brazils and the Argentine Confederation for the purpose of attacking the Province of Buenos Aires and chastizing it for having, as was asserted, openly encouraged and assisted the insurrection against the Montevidean Government. General Urquiza, however, declined this proposal."¹⁶

Relations between Montevideo and Buenos Aires were patched up again; it was a case of papering over the cracks. Negotiations and counter-negotiations continued. Towards the end of the same year conversations relating to a Triple Alliance of Brazil, the Argentine Confederation, and Uruguay, in fact if not in form directed against Buenos Aires, were reported to have taken place at Rio de Janeiro between Andrés Lamas, Dr Peña, representing the Confederation, and the Brazilian Government.¹⁷ These negotiations, that were apparently embodied in a draft treaty, seem to have passed into the limbo of abortive diplomatic projects that litter the history of these years. One fact, however, emerged clearly, as the British Chargé at Montevideo wrote.

It cannot be denied that there is a great desire to weaken Buenos Aires both on the part of the Confederation and this Government, which desire has been much encreased (*sic.*) on the part of the latter by recent events.¹⁸

One immediate result of Quinteros was to throw the Government of Uruguay more and more into the hands of the extremist Blancos, resolved at all costs to harry their Colorado opponents out of the country.

¹⁶Thornton to Clarendon, Montevideo, March 6, 1858, F. O., 51.97, despatch no. 26.

¹⁷Thornton to Malmesbury, Montevideo, October 30, 1858, F. O., 51.98, despatch no. 82, confidential.

¹⁸Thornton to Clarendon, Montevideo, February 3, 1858, F. O., 51.97, despatch no. 17.

Buenos Aires accepted her reincorporation in Argentina after Cepeda as a necessary evil. She was relentlessly determined to dominate the Republic or secede from it altogether. As soon as her preparations were complete, she again seceded and under the leadership of her Governor, Bartolomé Mitre, elected in 1860, essayed the fortunes of war in the campaign that culminated with the battle of Pavón, September 17, 1861. Although both generals claimed the victory, the battle was decisive. Urquiza withdrew from the struggle leaving Mitre master of the situation. Shortly afterwards he refused any longer to support by his sword or his political influence the Government of President Derqui, with whom he had long been on bad terms. After assuring himself that Urquiza would not move so long as he was left in undisturbed control of Entre Ríos, Mitre pressed forward. A series of Liberal revolutions supported by Buenos Aires took place in the provinces, the Confederation dissolved and, by the end of February, 1862, with the exception of Salta, all the upper provinces of Argentina, strongholds of Federalism, had first resumed their sovereignty and then declared their adherence to the political principles of Buenos Aires and conferred on Mitre power to convocate a National Congress. Most of them also authorized him to manage the foreign relations of the country *ad interim*. In March Mitre was empowered by Buenos Aires to exercise the functions the provinces had conferred on him. On March 15, 1862, he issued a circular summoning a National Congress which met at Buenos Aires on May 25 and was opened by him. Pending arrangements for the election of a President of the reorganized Republic, he was entrusted with the Executive Power by the law of June 3, 1862. On August 27, 1862, Bartolomé Mitre was unanimously elected President of the Republic by the Provincial electors; on October 12, he accepted this high office and on October 14 constituted his Ministry.¹⁹ The Republic was now at last united under Buenos Aires and the Constitution of 1853.²⁰ Not the least important factor of victory for Mitre at Pavón was

¹⁹Thornton to Russell, Buenos Aires, June 12, 1862, F. O., 6,240, despatch no. 43.

Doria to Russell, Buenos Aires, October 28, 1862, F. O., 6,241, despatch no. 33 and enclosures.

²⁰Robertson, *op. cit.*, pp. 239-40.

the blazing and ferocious energy of his friend the redoubtable exiled Colorado President of Uruguay, Venancio Flores. With the hecatombs of Villamayor and Quinteros between them, it is obvious that there was little chance that Argentina, reunited under the leadership of Buenos Aires, would long maintain amicable relations with the neighboring Republic of Uruguay still under the rule of the hated Blancos.

As we have seen, Blancos and Colorados were in the habit of transferring their immense hatreds to the larger stage of the distracted Argentine Confederation, and of contributing at each crisis between Buenos Aires and the Confederation their individual quota of venom to the embittered struggles of Federalists and Unitarians. After a battle between the Argentine parties their Uruguayan allies would seek each other out for purposes of massacre and outrage. The interaction of four furious parties involving two states directly in their faction fights, themselves by no means united, but concealing under some general name further cliques and kaleidoscopic groups, is as difficult or even impossible to describe exactly as the similar problem of three or more forces in dynamics. "The connection between Argentines and Uruguayans was so close that in the wars of either country the principal chiefs of each fought or struggled in co-operation."²¹

Flores played a great part in averting disaster to the forces of Mitre after Cepeda and in assuring victory at Pavón. Undoubtedly Bartolomé Mitre was under great obligations to the *caudillo* of Uruguay, to the incomparable cavalry raider who had served him so faithfully. Flores was not long in giving the new chief a hint:

Convinced that the triumph of Pavón is going to secure the future peace of Buenos Aires and her aggrandizement, as well as that of the whole Argentine Republic, I take the liberty of reminding you lest you forget the Uruguayans, who, proscribed from their fatherland, wish to return to it, and to secure participation in public destinies: I belong to a large circle of political friends with whom I have to fulfil very sacred duties²²

²¹Victorica, "Reminiscencias históricas de la guerra del Paraguay," in *Revista de derecho, historia y letras*, VI, 167.

²²Flores to Mitre, Costa del Paraná, October 20, 1861, cited in Quesada, *La política argentino-paraguaya*, p. 23, note.

To this Mitre replied:

Nothing can be more natural than that you on behalf of the Uruguayans who have aided us in attaining this triumph should remind me on this occasion not to forget the proscribed . . . You know, General, that my heart is with you and your compatriots, as a friend, as an old companion in arms, and as a political co-religionist²²

Ernesto Quesada sees in this exchange of letters the origin of the invasion of 1863. Be this as it may, Flores certainly began to make open preparations—preparations that increasingly pre-occupied the Government of Montevideo.

That Government was now under the guidance of the Blanco leader, Bernardo Berro, who had become President for the second time in 1860.²⁴ Berro was a man of distinguished personality and was much respected in Montevideo.²⁵ He had given the problems that confronted his country much thought and was prepared to apply a new policy. He realized the terrible dangers to which the close co-operation of the revolutionary exiles of Uruguay and Argentina exposed his little country. Uruguay was in danger of being ground between the upper and the nether millstones of the Confederation and Buenos Aires, quite apart from the real menace from Brazil, with whom a constant diplomatic wrangle was maintained on the rights and wrongs of Brazilians in the frontier departments of Uruguay and Uruguayans in the Brazilian Province of Rio Grande do Sul. The frontier cattle-rustlers were constantly murdering and mutilating each other, and the condition of the border seems to have been comparable with that of England and Scotland in the days of the moss-troopers.

It was quite evident that the battle of Cepeda and the Paraguayan mediation had settled nothing. Buenos Aires began to prepare for another struggle. The sympathy of the Blancos was, as we have seen, with the Confederation, and the party as a whole wanted to assist Urquiza against the recalcitrant city, their old and imperialistic enemy. Mitre requested Berro to prevent this, and Berro decided that the time had come to break the fatal connection with internal Argentine conditions. He consulted his ministry as to the policy to pursue in the months before Pavón.

²²Mitre to Flores, Rosario, October 24, 1861, cited *ibid.*

²⁴Robertson, *op. cit.*, p. 260.

²⁵Burton, *Letters from the Battlefields of Paraguay*, p. 114.

Acevedo, the Foreign Minister, supported by Diego Lamas, Minister of War, advocated support of the Argentine Confederation against Buenos Aires. On the same night on which they had thus come out in favor of the traditional policy Berro wrote to them individually that he dispensed with their services.²⁶ He then exerted his influence and prevented the Blanco *caudillos* from leaving to join Urquiza. After Pavón Mitre wrote personally to Berro to thank him for his irreproachable attitude and to offer his friendly reciprocity.²⁷

Berro clearly formulated the policy he had inaugurated in his message to the Uruguayan Congress of February 15, 1862:

In the struggle which broke out about the middle of last year between the Province of Buenos Aires and the other provinces of the Confederation the most strict neutrality was observed . . . Far from me is the idea of making charges against anyone. The fault far more of the times than of the men, the work of extraordinary events, of dominating, irresistible circumstances, almost all our domestic struggles, if not in their origin then in their prosecution, have been more or less closely linked with the internal conflicts of the Argentine Republic, thus becoming more long drawn out and disastrous, and ending at times by scarcely representing Uruguayan interests—dominated and absorbed by Argentine. It was necessary to break resolutely with this baleful tradition; it was necessary that the Republic should gather herself together to lead a life truly her own, to separate her affairs from affairs abroad, to nationalize, let us say, her existence and her destiny. To this I have devoted myself with a strong and resolute will, and I hope that this proceeding will obtain your approval and that of the people you represent.²⁸

There can be no doubt that Mitre recognized this policy. In May, 1862, he told the Uruguayan Consul in Buenos Aires who by order of his Government had drawn the attention of the President to the activities of Flores

. . . that he had undertaken no obligations towards the Uruguayan *émigrés* tending to the disturbance of order in their country . . . that the new policy initiated by President Berro and the strict neutrality he had observed with such loyalty had gained the Uruguayan government a crown that not even its political enemies could tarnish. That this policy,

²⁶Díaz, *Historia política y militar de las repúblicas del Plata*, X, 311-12. Díaz asserts Berro's motive was jealousy because an important person had attributed the economic prosperity of the country to the ministry. Presidents, however, tend to be flattered by such praise!

²⁷Herrera, *La diplomacia oriental en el Paraguay*, I, 21

²⁸*Ibid.*, pp. 21-22

while surrounding him with a prestige that attracts to him the immense majority of his compatriots, renders him worthy of the regard of all civilized governments . . . that for his part, he (Mitre) will exert all the legal means in his power, using also his personal influence with his friends, to secure that the peace of Uruguay be not disturbed, proposing at the same time the consolidation and development of the friendly relations now subsisting between the two governments, cultivating them in a manner as loyal and frank as were these explanations which he gave without any reserves."⁹

But the anxieties of the Uruguayan Government increased as the months went by, and it became more and more convinced that Venancio Flores was plotting a revolution. After all it would be a rare Blanco crown that the Colorados could not tarnish, even though the Argentine Cavour with his own dexterous hands had placed it on the brow of Berro. Dr. Octavio Lapido was sent on a special mission to Mitre to draw the attention of the Argentine Government to the hostile preparations going on in Argentina. Mitre told Dr. Lapido that if the Uruguayan Government would produce unequivocal proofs that General Flores and his companions were conspiring against legal order in the Republic "he would not hesitate to intern them at Azul far from the coast." To the official note of Dr. Lapido urging the Argentine Government to adopt efficacious means to arrest the activities of Flores, the Argentine Minister of Foreign Affairs, Dr. Rufino de Elizalde, replied:

The Argentine Government finds no reason for sharing the fears expressed by the note of the Special Commissioner which it believes devoid of foundation, but, in any case, the Uruguayan Government could count on the Argentine Government fulfilling the duties imposed on it by the law of nations, all the more so between governments cultivating friendly relations"¹⁰

Shortly after President Mitre had offered to intern Flores if positive proof of his subversive activities were produced, Colonel Guillermo Muñoz, *jefe político* of the Department of Minas, Uruguay, intercepted an autographed letter from Flores to Colonel

⁹Consul Mariano de Espina to Dr. Enrique de Arrascaeta, Uruguayan Minister of Foreign Affairs, March 13, 1862, *Anexos á la memoria del ministerio de relaciones exteriores* (Uruguay, 1863-64), Anexo A, I, 6-7.

¹⁰Elizalde to Lapido, Buenos Aires, November 12, 1862, *Anexos á la memoria del ministerio de relaciones exteriores* (Uruguay, 1863-64), Anexo A, I, 9-10.

Manduca Carabajal inviting him to take part in the approaching revolution. This was forwarded to Elizalde by Lapido together with further evidence.⁸¹ Elizalde replied the next day to the effect that General Flores had no footing in Argentina and did not possess any resources in that country.⁸² As for President Mitre, now that he held the evidence of his friend's intrigues, he made no comment. In this way and without result the special mission of Dr. Lapido to Buenos Aires terminated, leaving the Uruguayan Government more convinced than ever that no friendly co-operation was possible with the subtly hostile Government of General Bartolomé Mitre. Another complexion, however, is given to this episode by the information that came to the knowledge of the British Chargé d'Affaires at Montevideo some months later. According to this, President Berro in order to force Mitre's hand caused a forged letter to be sent to Flores inviting him to invade Uruguay and then arrested the bearer of the *caudillo's* answer. The Chargé wrote:

General Flores is said to be greatly exasperated at the deception into which he allowed himself to fall in replying to the letter . . . and should he now invade this country such a proceeding may perhaps be attributed with fairness to that very letter having been written to him . . . The country has now been quiet for a few years, and that in itself is perhaps a sufficient reason for order being not much longer maintained.⁸³

During the night of April 19, 1863, Flores landed at Rincón de las Gallinas, a small village at the mouth of the Río Negro, on the soil of Uruguay, and there began the tragical epic that ended on the banks of the Aquidaban seven years later. The banner of the revolution was "Vengeance for Quinteros"; and to the manes of few slain men has been poured a richer or more copious libation of blood than that which Venancio Flores offered to the memory of César Díaz and his companions. The *caudillo* landed with Colonel Carballo and Lieutenants Faria and Carceres.⁸⁴ That night the three rode hard, and dawn found them far inland. In a few days Flores had 500 *gauchos*, the incomparable cavalry of the pampas, and was making for the Brazilian-

⁸¹Lapido to Elizalde, November 24, 1862, *ibid.*

⁸²Elizalde to Lapido, November 25, 1862, *ibid.*

⁸³Lettsom to Russell, Montevideo, April 20, 1863, F. O., 51.119, despatch no. 27.

⁸⁴Palomeque, *Conferencias históricas*, p. 23.

Uruguayan frontier, that haunt of cattle-rustlers and desperate men.

Mitre had left Buenos Aires for Rosario to inaugurate the railway to Córdoba a few days before Flores slipped out of Buenos Aires. Whether he knew or not, he inevitably got the credit for the complex machinations of his Foreign Minister, Dr. Rufino de Elizalde, the bitter enemy of the Blanco Government.³³ On this point the British Chargé d'Affaires at Buenos Aires (in the absence of the Minister, Thornton, who had gone home on leave) reported significantly:

The departure of General Flores took place during the absence of the President General Mitre, the Vice President, the Minister of the Interior, and the Minister of Foreign Affairs. The absence of the President and Vice President has been called in question in Congress as a violation of the Constitution. The question then may well be asked why should all these officers of Government have been absent at the same time, at which particular moment General Flores leaves Buenos Aires to carry out his plan of invasion of the Banda Oriental? . . . The Press of Buenos Aires warmly espoused the cause of General Flores, even the *Nación Argentina*, which certainly has always been considered the Government organ.³⁴

From the first, public opinion in Buenos Aires made itself strongly felt in favor of Flores, the ally of Cepeda and Pavón. The press was furiously in favor of the "liberator," and an extensive gun-running began from the city up the Uruguay to convenient Uruguayan posts. Public meetings were held and recruiting campaigns launched by a publicly constituted revolutionary committee. Meanwhile the Government was "unaware" of any unneutral proceedings on the part of the worthy Porteños.

Within less than a fortnight so serious did the situation, caused by the open and flagrant assistance that Flores was receiving from Buenos Aires, appear to the Uruguayan Government that it resolved to send yet another special mission to the Argentine Government confided to the great statesman and patriot of Uruguay, Andrés Lamas. Reporting his first conversation with Dr. Elizalde, Lamas wrote:

Entering on a general conversation Dr. Elizalde showed himself also very much pleased with the declaration made by Your Excellency in

³³Schneider, *A guerra da Triplice Aliança*, I, 25, cited in Lobo, *Antes da guerra*, pp. 9-10 (note).

³⁴Doria to Russell, Buenos Aires, May 30, 1863, F. O., 6.245.

the Chamber of Deputies, he overflowed with protestations of the loyal policy that this Government is pursuing towards us, declaring to me again and again that if they wanted a change in our country they would lay hold of some pretext or other that would not be absent, and would make war on us openly, but that times were changed, and they would never protect enterprises such as that of Flores.²⁷

In a long note of May 2, 1863, Dr. Lamas informed the Argentine Government of all the help that was being given to the invasion. He elaborated this on May 7 in a further note. Elizalde replied by denying all suggestions of partiality on the part of his Government

. . . which has seen with satisfaction the sentiments with which the Uruguayan Government is animated in the presence of the loyalty with which the Argentine Government cultivates the friendly relations existing between the two governments . . . Señor Lamas advises that arms have been bought and are being bought . . . But Señor Lamas is not ignorant of the fact that the trade in arms is free in the Republic and that it would be impossible to prevent the removal of what some might wish to export, it being solely within the province of the Uruguayan Government to see that no arms go to points occupied by the forces of General Don Venancio Flores.²⁸

The Uruguayan Foreign Minister, Juan José de Herrera, in a note to Dr. Lamas wrote:

The reply which the Minister of Foreign Affairs has given to your note of the second is wholly insufficient, in spite of the declarations it contains as to neutrality. Similar declarations have been made to this government by the Argentine again and again, as you have seen from the instructions of this ministry, and, unfortunately, they have remained ineffective; it is precisely this contradiction between *word and deed* that makes necessary on the part of this government a satisfactory explanation of the past and a guarantee that such a contradiction will not reappear in the future.²⁹

Accordingly Lamas declared in a formal note that flagrant incidents in contradiction with the declared policy of the Argentine Government were making the situation intolerable and asked what steps Argentina had been taking to make her duties of good neighborliness effective, since neutrality consisted in something

²⁷Lamas to J. J. de Herrera, May 1, 1863, *Anexos á la memoria del ministerio de relaciones exteriores*, (Uruguay, 1863-64) Anexo A, I, 14.

²⁸Elizalde to Lamas, May 8, 1863, *ibid.*, pp. 21-22.

²⁹Herrera to Lamas, May 12, 1863, *ibid.*, p. 24.

more than in denying the official co-operation of the Argentine Government with Flores.⁴⁰ In reply Elizalde wrote:

General Flores' secret departure from this city in a whale boat with two or three men only in his company, is an evident and notorious fact of which Señor Lamas cannot be ignorant. And has not this eloquent fact told Señor Lamas more than all the reasoning he could bring to bear on the matter?

General Flores has lent the most distinguished services to this country, which have placed him on a level with the most notable of its citizens. Leaving the country in the way he did has shown that he carried his delicacy to the extreme in order not to throw upon the Republic the least responsibility.

General Flores was not under the necessity of leaving the country secretly; he, more than any, could leave not only freely but surrounded by the attentions that the Republic owes him and that the government has deemed it an honor to render him. If General Flores on leaving this country intended to go to Uruguay, it was not incumbent on the government in this case to enquire or to hinder.⁴¹

The extraordinary sophistry and insolence of this communication did not need the ruthless analysis it received at the hands of Herrera,⁴² but it indicated that the mask of friendliness was slipping.

In reply to requests from Lamas for information as to what steps Argentina was taking to secure the observance of neutrality among her citizens, Elizalde reiterated the correct procedure of his Government which "regrets sincerely that a request of this nature has been made." He continued:

The Argentine Government, that cannot bring itself to believe for a moment that the sincerity and loyalty of its spontaneous and categorical declaration of neutrality, proved by facts, is in doubt, would be inclined to believe that the notes presented by Dr. Lamas by order of his government involve the thought that for the Uruguayan the strict neutrality of the Argentine Government is not sufficient and that, apparently, it desires acts which, adopted by the latter, would imply either condemnation of one of the belligerents or the adoption of measures hostile to one of the parties in Uruguay; as if Dr. Lamas did not understand perfectly that this would be to ask for the abandonment of the character

⁴⁰Lamas to Elizalde, May 13, 1863, *Anexos á la memoria del ministerio de relaciones exteriores*, (Uruguay, 1863-64) Anexo A, I, 30.

⁴¹Elizalde to Lamas, May 13, 1863, *ibid.*, p. 31.

⁴²Herrera to Lamas, May 17, 1863, *ibid.*, pp. 32-36.

of true neutrality that the Argentine Government has set itself to preserve and is resolved to maintain⁴³

Were such a note in these days addressed by the Government of the United States to that of Cuba or Panama it would conform to facts; coming from Argentina to Uruguay it contained a veiled but none the less insulting suggestion of protectorship.

Meanwhile Herrera was urging Lamas to take speedy measures in view of the daily reinforcements that the invasion was receiving from Buenos Aires.⁴⁴ To this he replied:

I avail myself, as Your Excellency sees, of every opportunity of defining the relations which it suits us to cultivate with this country and by which we may take up the position of an independent nation. It seems that this causes estrangement, even irritation, which in no way surprises me; but if we persevere in our good policy—in the purely Uruguayan policy—we shall make a worthy position for ourselves here, and the efforts we make for this may be a bond of union for good Uruguayans and the means of consolidating our domestic peace⁴⁵

A few days later Lamas seized the opportunity Elizalde had afforded him by penning a spirited formulation of the new and "neutral" policy of President Berro as he understood it:

Permit me to remove, Your Excellency, the singular illusions to which so groundless a supposition [that Uruguay asked from Argentina anything more than genuine neutrality] appears to have given rise in the Argentine Government. So far is my Government from desiring that that of Your Excellency should depart from the strictest neutrality in the domestic affairs of the Uruguayan Republic that it is the fundamental basis of its policy to exclude from such affairs every kind of influence on the part of its neighbors. Even if it had been offered Argentine co-operation, the Uruguayan Government would not have accepted it, not only because in the present case at least it is notoriously unnecessary, but also because, even in cases in which it might be for the moment and materially useful, our whole history teaches us that it would compromise the most essential interests of our country. We wish to leave no doubt upon this point.

Our fundamental thought is to end the confounding of Uruguayan and Argentine political parties so fatal to all involved.

We are jointly responsible, as I have already had occasion to say; we ought to consider ourselves permanent allies for the defense of the great common American interests in the Río de la Plata. Beyond that, in everything that relates to the internal life of each of these states—

⁴³Elizalde to Lamas, May 16, 1863, *ibid.*, p. 42.

⁴⁴Herrera to Lamas, May 20, 1863, *ibid.*, p. 38.

⁴⁵Lamas to Herrera, May 24, 1863, *ibid.*, p. 41.

let each mind our own business. This is Uruguayan policy in its most candid formulation. Do not let the Argentine Government make any mistake on this score.⁴¹

Meanwhile the ruffled feelings of the Argentine Government had been further irritated by the intervention of the European diplomatic representatives in Buenos Aires and Montevideo. The staging was sufficiently dramatic. The Portuguese Chargé d'Affaires and the Italian Minister at Montevideo, who were also accredited to the Argentine Government arrived, in Buenos Aires at the invitation of the British Chargé and on board a British warship. They joined the British Chargé and the French Minister at Buenos Aires, and called in a body on Elizalde. In the ensuing interview they enquired what position the Argentine Government intended to take in the presence of the revolution in Uruguay and urged the necessity of a strict and scrupulous policy of non-intervention. Not obtaining a satisfactory answer from the Foreign Minister, the four diplomats proceeded at his suggestion to draw up a joint note on the subject of their representations which was immediately returned to them by Elizalde together with a protest against their intervention couched in strong terms.⁴² The American Minister wrote in a dispatch to his Government:

The French and English ministers called to see me soon after their visit to the Government, to explain the reasons which prompted them to do it. They claimed to me that (or rather the English Minister) claimed [*sic*] they were in possession of information which induced them to believe that this Government was in sympathy with this General Flores, etc, etc., and they having many citizens living in the "Banda Oriental," who would be injured by civil war, they felt a deep interest in the action of this Government. I listened to all they had to say, and merely remarked I thought they had made a mistake, and in calling in a body it looked like a menace on their part. Two or three days afterwards I called on the Minister of Foreign Affairs, and he voluntarily read his letters to the Uruguayan Government to me, and in all of them is advocated the strictest principles of neutrality, and of course these gentlemen have been wrong in their suppositions. The result is, American representation is above par, while European is at a discount⁴³

⁴¹Lamas to Elizalde, May 22, 1863, *ibid.*, p. 45.

⁴²Doria to Russell, Buenos Aires, May 14, 1863, F. O., 6.245.

⁴³Kirk to Seward, Buenos Aires, May 27, 1863, State Department MSS, Argentine Republic Diplomatic, 14, no. 23.

This illuminating report perhaps tells us more about the representation of the United States in Buenos Aires by the egregious Robert C. Kirk, than it does about the affiliations of Flores and the Argentine Government. At the end of nearly two years he wrote home that Flores when he left Buenos Aires "unfortunately had many friends here to assist him, and is supported by nearly all the native press of this city He is the Jeff Davis of Uruguay"⁴⁹

In the meantime, he had confined his reports on this subject to attacking the acute and penetrating observations on Argentine policy made by C. A. Washburn, the American Minister in Asunción,⁵⁰ in terms that would seem to justify his complaint to the State Department that he was "fearfully afflicted with dispepsia" (*sic*).⁵¹

Whether because the popular feeling created by the dramatic intervention of the European diplomats needed, in the opinion of the Argentine Government, some sedative to the national *amour propre* or for a deeper reason, that Government now seized an opportunity to precipitate a grave international crisis with Uruguay.

At the beginning of June, 1863, the Uruguayan authorities discovered in the port of Fray Bentos on board the Argentine steam-packet *Salto*, a vessel belonging to the Government but leased to private parties, some contraband of war. The vessel was taken to Montevideo and shortly afterwards released. The contraband, the presence of which on his boat was at first denied by the captain, was later declared by him to be the property of the Argentine Government. Accordingly the Uruguayan Foreign Minister, Juan José de Herrera, instructed Dr. Lamas to inform Elizalde that the contraband arms and munitions were held in Montevideo, and that if the Argentine Government would confirm the captain's assertion, the cases would immediately be returned.⁵²

⁴⁹Kirk to Seward, Buenos Aires, December 10, 1864, *ibid.*, no. 89.

⁵⁰Kirk to Seward, Buenos Aires, March 11, 1864, *ibid.*, no. 51.

⁵¹Kirk to Seward, Buenos Aires, January 12, 1864, *ibid.*

⁵²Herrera to Lamas, Montevideo, June 5, 1863, *Documentos diplomáticos relativos á la detención del paquete argentino "Salto" en las aguas de la república oriental del Uruguay por el vapor de guerra nacional "Villa del Salto,"* no. 1.

No notice was taken of Dr. Lamas' request for an interview, but instead Dr. Elizalde addressed a note direct to Herrera protesting against "the violence, contrary to all law, employed by the Uruguayan war-steamer *Villa del Salto* against the Argentine packet *Salto*," and "calling upon the Uruguayan Government for immediate and solemn reparation such as is fitting to avenge the outrage, punish the offense and accord the indemnities owing."⁵³ Herrera replied in a courteous note to the effect that the *Salto* was detained pending enquiries, that if the Uruguayan Government could be shown to have done anything requiring reparation, such reparation would of course be conceded; meanwhile, he suggested that Elizalde should discuss the matter with Lamas, who had been instructed to go into the question with the Argentine Government.⁵⁴ To this Dr. Elizalde replied by an ultimatum, for such his brief and categorical note formulating the demands of the Argentine Government may justly be called.⁵⁵ The Uruguayan Government was summoned to condemn publicly the act of violence against the Argentine packet *Salto*; to cashier the commander of the *Villa del Salto* and bring him to justice; to return the four cases of war supplies on board the *Salto* and to return them in the port of Fray Bentos; to order the *Villa del Salto* to salute the Argentine flag in the harbor of Fray Bentos with twenty-one guns; to return the goods seized on board the *Salto*; to release the prisoners taken and pay suitable compensation. Dr. Lamas had already received instructions, and on receipt of the ultimatum he formally proposed submitting the whole question to arbitration. The Uruguayan Government invited the Argentine Government to nominate as arbitrator any one of the following sovereigns: Queen Victoria, Napoleon III, Dom Pedro II, Queen Isabella of Spain, Victor Emmanuel II, Leopold I of Belgium, or the King of Portugal. Uruguay would abide willingly by the decision of the arbitrator.⁵⁶ The panel was august, but in a long note Dr. Elizalde rejected arbitration as "inade-

⁵³Elizalde to Herrera, Buenos Aires, June 8, 1863, *ibid.*, no. 3. Díaz, *Historia política y militar de las repúblicas del Plata*, X, 335.

⁵⁴Herrera to Elizalde, Montevideo, June 9, 1863, *Documentos diplomáticos relativos á la detención del paquete "Salto,"* no. 4.

⁵⁵Elizalde to Lamas, Buenos Aires, June 12, 1863, *ibid.*, no. 10.

⁵⁶Lamas to Elizalde, Buenos Aires, June 12, 1863, *ibid.*, no. 11, p. 26.

quate"⁵⁷ and in view of the attitude of the Uruguayan Government regretted to see his own placed in the necessity of taking "coercive measures to avenge the outrage."⁵⁸ In the meantime, the Uruguayan Government had submitted the legal aspects of the question to a panel of jurists chosen irrespective of party; among them were Drs. Eduardo Acevedo, Florentino Castellanos and the Argentine Vicente F. López. They were asked when, in what event, and how, did international law permit the right of visit and search in the case of a foreign merchantman; was the *Salto* a vessel that could legally be searched; was the removal of the *Salto* to Montevideo justifiable in view of the inability of inferior officers to act; since the cargo of Señor Belaustegui was not accompanied by papers of any kind and consisted of munitions and military stores, was it not reasonable to impound it pending enquiries; was there not every reason to suspect and detain the four cases of munitions said to be the property of the Argentine Government, in view of the fact that they had been placed in the ship's latrines . . . ?⁵⁹ Three days later the jurists unanimously replied that the arrest and detention of the *Salto* pending enquiries and the arrest of the persons suspected of gun-running were perfectly legal proceedings.⁶⁰ In view of the invasion coming from Argentine ports the vigilance of the Uruguayan authorities was so much the more justified. On June 15, Herrera addressed a note to the British Chargé d'Affaires on the situation:

The war into which at this moment the Republic has been drawn is in its secret but veritable meaning an effort, perhaps final, to prevent the establishment here of an Uruguayan policy which might break the old fatal identification with Argentina [*solidaridad Argentina*].⁶¹

On June 22 the Argentine Government applied "coercive measures" The Argentine squadron seized the Uruguayan war-steamer *General Artigas*, formerly U.S.S. *Pulaski*, and blockaded the mouth of the Uruguay. On June 23, the Uruguayan Government declared official relations with Argentina ruptured.⁶² Señor

⁵⁷Elizalde to Lamas, Buenos Aires, June 15, 1863, *ibid.*, no. 15, p. 38.

⁵⁸*Ibid.*, p. 32.

⁵⁹*Documentos diplomáticos* . . . "Salto," no. 13, June 17, 1863.

⁶⁰*Ibid.*, no. 21, June 20, 1863.

⁶¹Herrera to Lettsom, Montevideo, June 15, 1863, F. O., 51.120, enclosure in despatch no. 42.

⁶²*Documentos diplomáticos* . . . "Salto," no. 22.

Elizalde and President Mitre by a series of bewildering strokes had brought the two countries to the verge of war. Yet on June 23, Dr. Elizalde wrote⁶³ to Dr. Lamas on the proposals the latter had made on behalf of the Uruguayan Government that the question of the arrest of the *Salto* be submitted to a joint committee of Argentine and Uruguayan juris-consults, and that since the *Salto* had been released and the cases of munitions returned, that part of the affair be regarded as closed and that two war vessels, one each for Argentina and Uruguay, salute each other simultaneously with twenty-one guns.⁶⁴ On June 24, the Italian Chargé d'Affaires at Montevideo offered his mediation, which was at once accepted by the Uruguayan Government. The way was thus paved for a settlement.⁶⁵ On June 29, Lamas and Elizalde signed a Protocol at Buenos Aires in which each briefly recited his version of events, and it was agreed that the release of the prisoners and the return of the goods and the *Salto* in effect satisfied the demands of the Argentine Government. The simultaneous salute would be the mark of reconciliation and "an act of true fraternity." In the preamble Argentina announced her perfect neutrality in the unhappy events that were afflicting Uruguay.⁶⁶ The Uruguayan Government accepted this settlement with a few minor alterations mostly of a declaratory nature, for instance Herrera's dry comment that there was a difference between the arrest in Uruguayan waters of the *Salto*, a merchant vessel subsidized by the Uruguayan Government, and the seizure of the *General Artigas*, a Uruguayan warship, in common waters.⁶⁷ Elizalde had first warmly invited Uruguay to protect her ports and guard her coasts from gun-runners and then threatened her with war when she put his advice into practice. Having precipitated a first-class crisis he as promptly ended it and announced that amicable relations had been restored on the morrow of coercive measures. One cannot be surprised that Herrera should write to Lamas that he could attach no importance to the preamble of the Protocol of settlement in which Elizalde protested the perfect

⁶³Elizalde to Lamas, June 23, 1863, *ibid.*, no. 33.

⁶⁴Lamas to Elizalde, Buenos Aires, June 22, 1863, *ibid.*, no. 29.

⁶⁵Herrera to Lamas, Montevideo, June 24, 1863, *ibid.*, no. 31.

⁶⁶Protocol, June 29, 1863, *ibid.*, no. 37.

⁶⁷Herrera to Lamas, Montevideo, July 4, 1863, *ibid.*, no. 35, pp. 102-3.

neutrality of Argentina.⁶⁸ His view was shared by more disinterested observers, the British Chargé at Buenos Aires writing:

All dispassionate persons concur in the belief that clandestine assistance has been afforded to Venancio Flores by this Government while one of its members has taken little pains to conceal his sympathies and hopes for the success of the revolution.⁶⁹

The conception of "Neutrality" enunciated by Elizalde amounted in effect to a tacit recognition of Flores as a belligerent sovereign power. Then, of course, neutrality would consist in affording him the same facilities as were accorded to the legal government. Only with a preconception of this nature could Elizalde have complained that the Montevidean Government appeared to expect Argentina to take sides in the struggle between the factions in Uruguay. To take active measures against gun-running, to break up the revolutionary committee operating from Buenos Aires in the interests of Flores and conducting open recruiting campaigns for him would have been a breach of neutrality as understood by Elizalde, though to anyone free from his preconceptions it would have seemed but the fulfilment of an elementary international duty in the preservation of good neighborly relations. In view of the difficulties with which the Uruguayan Government was contending, to deal it a sudden blow such as the presentation of the ultimatum and the taking of "coercive measures" when, at the most emphatic, diplomatic representations would have been sufficient, was, to say the least, strong evidence of an initial unfriendly intention. What purpose had Elizalde in mind and why did he pass so rapidly from "coercive measures" to a complete and amicable arrangement?

There can be little doubt that the chief objective was to blockade the Río Uruguay, and from Martín García Island as a base to prevent Uruguayan Government war-steamers from patrolling the points at which most conveniently volunteers, arms and supplies could be run across to Flores from Argentina.⁷⁰ The damage done, there was no need to press matters to an extremity in view of the

⁶⁸Herrera to Lamas, Montevideo, July 4, 1863, *ibid.*, no. 38, p. 103.

⁶⁹Doria to Russell, Buenos Aires, July 28, 1863, F. O., 6245, despatch no. 72.

⁷⁰Herrera to Lamas, Montevideo, July 4, 1863, *Documentos diplomáticos* . . . "Salto," no. 38, p. 103.

fact that, in spite of Elizalde's assertion to the contrary, open hostility towards Montevideo was not a possible policy. In the great work of the national reorganization of Argentina under the leadership of Buenos Aires to which Mitre had set his hand he could never afford to ignore the influence and opinion of the great *caudillo* of San José. Urquiza was the friend of the Blancos; they openly proclaimed their alliance with him; the fateful interaction of Argentine and Uruguayan internal politics this time prevented the Government of Buenos Aires from leveling more than one well-directed blow at its enemies in Montevideo.

In view of the strained relations between the two governments and because of the crisis that followed the revelation by Paraguay that Uruguay had appealed for her intervention and in formal documents charged Argentina with violating neutrality, Andrés Lamas was again appointed special commissioner of Uruguay in Buenos Aires. Receiving further instructions to present protests and demands on the subject of the flagrant violation of neutrality by the Argentine warship *Pampero* in assisting partisans of Flores to land at Fray Bentos, he represented to President Berro that unless a real effort at pacification were made the safety of Uruguay would be fatally jeopardized. A "miniature state" like Uruguay, as Alberdi once called her, cannot afford to play a strong hand against a powerful neighbor.

The British Chargé at Buenos Aires was so incensed at the activities of the *Pampero* that he wrote to his colleague at Montevideo suggesting that they should both join in requesting the British Admiral on the station to detach British gunboats to the Uruguay to observe the movements of Argentine warships! Lettsom deprecated the idea, but his opinion on Argentine policy was as definite as that of his impulsive colleague:

As to the assistance given by the *Pampero* to the adventurers who landed at Fray Bentos, the information received by the Oriental Government as to that occurrence has been fully confirmed by the statement received by me from a highly respectable English resident at that place. I hold the fact to be perfectly certain though I understand it is denied by the Argentine Government.¹¹

¹¹Doria to Lettsom, Buenos Aires, August 25, 1863, Lettsom to Doria, Montevideo, August 27, 1863, F. O., 51.120, enclosures in despatch no. 66

On the same day Doria wrote home from Buenos Aires:

I am informed by a person who is in the confidence of a member of this Government, that the hope and intention has been entertained by this Government since Flores left Buenos Aires to annex the Republic of the Uruguay to the Confederation. The newspapers now write of it and it is spoken of openly.⁷²

As a result of Andrés Lamas' activities the Uruguayan ministry was reconstructed on October 12, 1863, and on October 20, he and Elizalde signed a Protocol in Buenos Aires which the great Uruguayan confidently felt would place the relations of his distracted country with Argentina upon an amicable and lasting basis.⁷³ Not the least force making for a settlement was the pressure exerted by Brazil. At the end of September, 1863, Loureiro, the Brazilian Minister at Montevideo, was sent on special mission to Buenos Aires. His instructions were to make a communication to the Argentine Government of the same nature as that of the Diplomatic Corps in May relative to the maintenance of Argentine neutrality in the Uruguayan civil war. "The Argentine Government," wrote the British Chargé, "is evidently very disturbed at the arrival of Sr. Loureiro."⁷⁴ The Brazilian Minister later informed his British colleague that he had met great difficulty in persuading either of the Governments to adhere to any proposed arrangement. Once the agreement had been signed Loureiro confidently expected that its ratification would end the Uruguayan civil war.

The mission of Loureiro was not unconnected with the grave disturbance of foreign, commercial and capitalist enterprise in the Río de la Plata, due to the civil war in Uruguay and the uncertain attitude of the Mitre Government. The British Chargé at Buenos Aires attributed the mission in great measure to the influence at the Court of San Cristoval of the great Brazilian banker, Baron de Mauá, "a deputy of the Chamber of Representatives at Rio, who is one of the most influential men in his own country, [and] is daily increasing his pecuniary connection

⁷²Doria to Russell, Buenos Aires, August 27, 1863, F. O., 6.246, despatch no. 81.

⁷³Text in *Anexos á la memoria del ministerio de relaciones exteriores* (Uruguay, 1863-64), Anexo A, no. 7, pp. 4-5.

⁷⁴Doria to Russell, Buenos Aires, September 25, 1863, F. O., 6.246, despatch no. 90.

with the Governments of both these Republics, to both of which he has already made considerable loans."⁷⁵

In Article I the Argentine Government declared itself satisfied with the clear declaration of the Uruguayan Government to the effect that in the previous documents (sent to Paraguay) it has not put in question the honor of the Argentine Government. In Article II the Uruguayan Government equally declared itself satisfied with the declaration of the Argentine Government that it did not refuse to come to an amicable agreement on the efficacious means that should be taken in order to insure the fulfilment by citizens and persons generally of the duties of neutrality. Article III was a declaration regarding the rights and duties of neutrality, established on principles universally accepted and fixed by international law. The two Governments should agree on each case, but if they differed they would submit the question to a single arbitrator who should be the Emperor of Brazil. By Article IV previous claims relative to neutrality were regarded as settled. When Lamas handed the envelopes containing the completed Protocol to the youthful courier, Dr. Sienra Carranza, who was to take them with him to Montevideo, he said on taking leave: "Guard these papers well and see that they are not mislaid, - for in them go the future destinies of the Río de la Plata." The Brazilian Minister at Montevideo, João Alves Loureiro,⁷⁶ accompanied Carranza as far as the pier and on parting told him with vivacity "that he ought to congratulate himself on being at his age the bearer of the most important documents that had been signed in South America."⁷⁷

The first difficulty that arose was the immediate reaction of President Berro, who was naturally inclined to take too strict an attitude on national dignity. He sent for Sienra Carranza, received him standing and with a gloomy frown asked him: "Is Señor Lamas mad? Since when has he claimed to elevate the Emperor of Brazil into a supreme tribunal for the international

⁷⁵Doria to Russell, Buenos Aires, November 12, 1863, F. O., 6.246, despatch no 106.

⁷⁶Campos, *Relações diplomáticas do Brasil* . . . pp. 8, 117. *Relatório*, 1864, pp. 16-18, and Anexo I, pp. 119-21.

⁷⁷Godoy, *Monografias históricas* I, 156.

affairs of the Uruguayan people?"⁷⁸ A new factor had appeared in the problem to which we shall have to return—the negotiations of the Uruguayan and Paraguayan Governments.

At the very moment when Juan José de Herrera received the Protocol that Lamas and Elizalde had signed under the auspices of Brazil dispatches arrived from Dr. Octavio Lapido, the Uruguayan envoy at Asunción. He announced that his mission had been successful, that he had secured the co-operation of Paraguay and that he had promised Francisco Solano López that in any settlement of the questions between Argentina and Uruguay the President of Paraguay would be given the most honorable and influential rôle.⁷⁹ Accordingly the Government at Montevideo set itself to secure the recognition of López as a co-equal arbitrator designated in the Protocol. In vain Lamas pointed out that to amend the Protocol was in the circumstances equivalent to rejecting it; that Brazil had exerted her influence to secure a settlement and that therefore the suggested amendment would offend the Emperor as it already had disgusted the Brazilian Minister Loureiro; that geography and common sense indicated Brazil as the mediator; that Mitre had no intention of agreeing to Paraguayan pretensions; that one might as well invoke the mediation of China.⁸⁰ His efforts were vain; the Protocol lapsed, and once more events began to drift. Lamas saw in the rejection of the Protocol the darkest consequences.

By this sacrifice we continued the misunderstanding with the Argentine Government. We abandoned a neutrality legalized, effective, definite. We alienated the sympathy of Brazil. We acquiesced, incredible as it may seem, in the abandonment of arbitration, our most important conquest, as a means of solving our international conflicts. Finally, we deprived ourselves of the beneficial co-operation of the united action of Argentina and Brazil in quenching, as soon as we would, the internecine war.

The consequences were immediate—the civil war continued—the prohibition to us of the military use of our own waters of the Uruguay ended by weakening the action of the Uruguayan Government—and the

⁷⁸*Ibid.*, p. 157.

⁷⁹Lamas, *Tentativas para la pacificación*, p. 24; Herrera to Lamas, Montevideo, October 28, 1863; *Anexos á la memoria del ministerio de relaciones exteriores*, Anexo A, no. 7, pp. 6-7.

⁸⁰Oneto y Viana, *La diplomacia del Brasil en el Río de la Plata*, p. 147; Lamas to Herrera, Buenos Aires, November 4, 1863; Lamas, *op. cit.*, p. 21.

relations of the latter with that of Brazil gradually assumed another character. And such immense sacrifices were made on the altar of the *amour propre* of the President of Paraguay.⁸¹

The Blanco régime was too deeply committed to draw back. Its suspicion of the Argentine Government, founded both on political antipathy and on the evidence of incontrovertible facts, was now incurable. The *exaltés* who had secured power with the massacre of Quinteros were now embarking on desperate courses.

On November 10, 1863, the Uruguayan Government authorities surprised among the islands of the Uruguay an expedition composed of three lighters filled with uniforms, arms and cavalry equipment, guarded by a force of forty-one armed men, who on the surprise took refuge on one of the islands, abandoning their clothes, arms and boots! They were captured three days later, famished and, naturally, in a deplorable condition.⁸² Immediately the Argentine Government presented a peremptory demand for the surrender of the prisoners, lighters and all the captured stores, on the ground that, since one of the islands was adjacent to Argentine territory, the soil of the Republic had been violated. Once again the two countries found themselves on the brink of war. Señor Marmol was sent on special mission from Mitre. He confined himself to exchanging sharp notes with Herrera. Thornton, the British Minister at Buenos Aires, essayed to mediate without success. Diplomatic relations were suspended, and various collisions between Argentine and Uruguayan officials took place in the following months.

Mitre was adhering to his policy of neutrality. On December 13, 1863, the American Minister wrote:

This morning I called on Minister Rawson (Minister of the Interior), and had a very friendly conversation, in which I expressed the hope this Republic would avoid if possible a war with Uruguay, that I felt a deep anxiety for the success and prosperity of this Republic, and in my opinion nothing but peace would insure that result. He answered that he knew it, and that they had resolved yesterday in Cabinet against war, and that nothing could induce this Government to engage in war⁸³

⁸¹Lamas, *op cit*, pp 24-5.

⁸²Díaz, *Historia política y militar de las repúblicas del Plata*, XI, 9.

⁸³Kirk to Seward, Buenos Aires, December 13, 1863, State Department MSS, Argentine Republic, 14, no. 44.

But though resolved on remaining neutral, the Argentine Government was at that moment fortifying the Island of Martín García, thus gripping the mouth of the Uruguay, concentrating troops in Buenos Aires and arming vessels. The neutrality, to say the least, was of a most unfriendly and peculiar type. Señor Marmol was sent by Mitre to demand that Uruguay should withdraw her protest about the episode of the islands referred to above, after which the Protocol of October 20 should be reconstituted.

In the opinion of the British Chargé the reason why the Argentine Government demanded the withdrawal of the Uruguayan notes of November 20 and 21 was, first, that the note of November 20 established "beyond a doubt . . . the connivance of the Argentine Government at the departure of revolutionary expeditions from Buenos Aires in support of General Flores" and, secondly, that Herrera had scored a damaging point against the Mitre Government on the subject of violations of neutral territory by the recital of certain well-known facts. On one occasion, during the separation of Buenos Aires from the Confederation, Mitre, then Minister of War of the State of Buenos Aires, had invaded the Province of Santa Fé and dispersed a revolutionary force that was assembling on the frontier with the connivance of the Provincial authorities. To the protests and demands for indemnity of the Confederation the Buenos Airean Government replied

. . . that the expedition had set out with the object of breaking up and punishing the scandalous and alarming gathering of persons in arms, who had proclaimed their intention to invade the state of Buenos Aires in order to subvert its Government and its laws. That the Government of that state saw clearly that nothing was to be hoped from the Province of Santa Fé, and it was alone from its own action that anything was to be hoped.⁸⁴

This was neither more nor less than General Moreno had done. The note of November 21 demanded that the Revolutionary Committee of partisans of Flores, operating openly in Buenos Aires and other parts, should be broken up. Evidence was presented establishing the identity of the members of this Committee.⁸⁵

⁸⁴Lettsom to Russell, Montevideo, December 26, 1863, F. O., 51,121, despatch no. 96.

⁸⁵*Ibid.*

When the Montevidean Government refused to withdraw its protests, Señor Marmol asked for his passports and announced "coercive measures." In view of the fact that the Uruguayan Government had in its possession intercepted letters proving that the revolutionary Saldanha had landed at Fray Bentos from the Argentine warship *Pampero*, it had little reason for withdrawing its protests.⁸⁶ Its counter-suggestion that all outstanding matters should be submitted to an arbitrator, whom President Mitre might himself nominate from among friendly powers or their representatives in the Río de la Plata, was rejected. On December 10, 1863, the Argentine Government announced the interruption of diplomatic relations.⁸⁷ The good offices of the British Minister at Buenos Aires proved unavailing. By the beginning of 1864, the relations of the Argentine Government with that in Montevideo were as bad as possible and were becoming worse. Early in 1864 Mitre and Elizalde began to hint in their conversations with the British Minister that conditions in Uruguay were becoming so deplorable and foreign interests were being so seriously jeopardized that Brazil and Argentina would, sooner or later, be forced to intervene in order to stop the civil war. They suggested that European Governments might well do the same, but received no encouragement from the Diplomatic Corps.⁸⁸ At the time nothing more came of these overtures than the signature on February 25, 1864, of a Protocol by Elizalde and Pereira Leal, the Brazilian Minister, by which the Argentine Foreign Minister assured the Brazilian diplomat that the armaments of Martín García were in no way directed against the integrity and independence of Uruguay, nor against the free

⁸⁶Herrera to Lapido, November 17, 1863, text, Herrera, *La diplomacia oriental en el Paraguay*, II, 504-5.

Marmol to Herrera, Montevideo, December 3, 1863, *Anexos á la memoria del ministerio de relaciones exteriores* (Uruguay, 1863-64), Anexo A, no. 8, pp. 34-41.

Herrera to Marmol, Montevideo, December 4, 1863, *ibid*

Marmol to Herrera, Montevideo, December 6, 1863, *ibid*

⁸⁷Herrera to Berges (Paraguayan Foreign Minister), December 16, 1863, text, Herrera, *La diplomacia oriental en el Paraguay*, II, 516; *Anexos á la memoria* . . . (Uruguay, 1863-64), Anexo A, no. 9, p. 1.

⁸⁸Thornton to Russell, Buenos Aires, January 22, 1864, F. O., 6.250, despatch no. 4.

navigation of the Paraná and Uruguay by neutrals in the event of any "misunderstanding" arising between Argentina and Uruguay.⁸⁹

In March, 1864, José Marmol proceeded to Rio de Janeiro as Argentine Minister. Elizalde informed Thornton of the instructions he had been given. Marmol was to seek a definition of the relations of Argentina and Brazil with Uruguay and a solemn engagement that the independence of the latter state should be maintained and that if either Argentina or Brazil should make war on Uruguay her territory should not in any event be reduced. In the event of a successful issue to this part of his mission Marmol was

... instructed to enquire of the Government of the Emperor how long they would deem it expedient to allow the continuance of the present intestine commotions in the Republic of the Uruguay by which the interests of the numerous Argentines and Brazilians resident in that country as well as the general commerce of the other two countries were so seriously prejudiced, and, if possible to come to an arrangement with the Brazilian Government for a joint intervention for the purpose of putting an end to the existing disorder in the Republic of the Uruguay, by the exertion of their influence, or if necessary, of force.⁹⁰

While Marmol was at Montevideo awaiting a boat, Lettsom, the British Chargé, exerted himself to induce him and Herrera to meet. He succeeded, but the lengthy discussion that ensued broke down, as had Thornton's efforts in January, 1864, over the demand of Herrera that the "coercive measures" at Martín García should be withdrawn preliminary to any settlement of outstanding differences between Argentina and Uruguay. The two statesmen separated after conceiving a violent dislike for each other.⁹¹ Herrera invoked the good offices of Thornton with the Argentine Government, but the efforts of the British Minister were rendered abortive by the old intransigence of both parties.⁹²

⁸⁹Thornton to Russell, Buenos Aires, May 26, 1864, F. O., 6250, despatch no. 42 and enclosure.

⁹⁰Thornton to Russell, Buenos Aires, March 24, 1864, confidential, F. O., 6250, despatch no. 24.

⁹¹Lettsom to Russell, Montevideo, March 26 and 30, 1864, confidential, F. O., 51,124, despatches nos 29 and 33 and enclosures.

⁹²Thornton to Russell, Buenos Aires, April 25, 1864, F. O., 6250, despatch no. 35.

Before we pass on to the further immense complications created by the intervention of Brazil at the very moment when the other "guarantor" of Uruguayan integrity and independence was employing "coercive measures" it will be well to pause a moment. Was there any truth in Mitre's oft-repeated assertions of neutrality? In the light of what has been recited above one might reply to the question by saying that formal neutrality was essential to the development of Mitre's policy. His attitude, so far as one can see, and whatever his personal predilections may have been (he has told us, through Flores, where his heart lay), was dictated by the exigencies of the internal situation in Argentina. He could not move against Montevideo except in sudden gestures provoked by convenient "episodes," because Urquiza and the Federals were the friends of the Blancos, and Paraguay hung like a cloud on the horizon. He could rely on Urquiza to a certain extent, but he dare not strain the allegiance of the great *caudillo* too far. At the same time, to interpret the laws of neutrality honestly would be to alienate the impatient Portefios longing to have a fling at the "assassins of Quinteros." His own great Liberal party that he was managing with such consummate skill had its *exaltés*, and they wanted war. But Mitre realized that a foreign war would probably spell a civil war, and that only in quietness and confidence could the new nation be born under the guidance of Buenos Aires; only in quietness and confidence could that disjointed body be articulated under a single head. And so he would now and then release the snake Elizalde to hiss at the Blancos and then pop him back into his bag before he could inflict any irreparable damage. His policy was as subtle and ever-changing as that by which his great contemporary Cavour called United Italy into being in the very teeth of destiny. Bartolomé Mitre is one of the great nineteenth century Liberal statesmen. They have certain characteristics in common. Their subtlety is due to the necessity they are under of reconciling Liberal principles with the practice of Machiavelli. The Bismarcks and Itos of the world are less complex, for they do not have the added task of preparing a stable spiritual emulsion of oil and water.

And so Bartolomé Mitre waited on events and also begot them. He was not dominated by the rancor of an Elizalde or overruled by the sudden passionate impulses of an Urquiza.

A lofty contemporary spirit who, like Mazzini, had little sympathy with the statesmanship of a Cavour or a Mitre, thus analyzed the problem:

The Uruguayan war is for the Government of General Mitre what it was for Rosas, a simple episode in the civic discords that split the Argentine Confederation into two camps. No one in the Argentine Republic is neutral in this war, because all understand instinctively its true significance. Each of the two belligerents represents as its champion the interests of one part of the Confederation, and all Argentine citizens watch the struggle in Uruguay with the anxiety natural to those who see a conflict raging over their own cause."

"Alberdi, *Las disenciones de las repúblicas de la Plata y las maquinaciones del Brasil*, in *Obras completas*, VI, 332.

CHAPTER V

BLANCOS, COLORADOS AND BRAZIL

As a result of the immortal exploit of the "Treinta y Tres" crowned by the rout of the Imperial army at the great battle of Ituzaingó, the independence of Uruguay was recognized by Brazil and the Argentine Republic and guaranteed by the two rivals whose struggle had enabled the "miniature state" to establish its separate existence. Yet for the next forty years both the walrus and the carpenter were at intervals to entertain the seductive idea of eating the oyster they could not agree to share. Though Uruguayan independence was threatened from Buenos Aires as well as from Rio de Janeiro, the menace from the North was the greater. Brazil never missed an opportunity of intervention in the affairs of the little state. The settlement of 1828 by no means ended her vision of a reconquest of the rich and thriving Banda Oriental; but her schemes were intercalated with vigorous measures for the defense of Uruguay against the plans of Buenos Aires to "reconstitute the vicerealty."

In 1830, the Marquis of Santo Amaro was sent to Europe to advocate to the Powers the desirability of erecting in Latin America with the aid of Brazil a series of constitutional monarchies—certainly more acceptable to reactionary and conservative statesmen than the disorderly Republics that were struggling into precarious existence. His mission came to nothing, but his instructions were significant and deserve quotation:

In regard to the new Uruguayan State, it is not a part of Argentine territory, has once already been incorporated in Brazil and cannot exist independently of another State. Your Excellency will endeavor opportunely and with frankness to prove the necessity of incorporating it again within the Empire. It is the sole vulnerable flank of Brazil and it is difficult, if not impossible, to prevent mutual hostilities or to hinder the reciprocal animosity of the inhabitants on either side of the frontier. It is the natural boundary of the Empire and finally the effective means of removing and preventing further causes of discord between Brazil and the States of the South.

If France and England opposed the union of Uruguay and Brazil, then Santo Amaro was to insist that it should remain in-

dependent as a Grand Duchy or Principality, so as not in any event to form part of the projected Argentine Monarchy.¹

The parallel and alternative objectives here revealed, of absorbing the little Republic or at least preventing Argentina from similarly removing future causes of discord with Brazil, were constantly present to the Imperial statesmen of the forty odd years after Ituzaingó. Alberdi has summarized the forces and motives that made Brazil a menace to Uruguayan nationality. They were Brazil's constant attempt to escape by expanding from the torrid zone in which practically all her vast territories lie; her desire to control the river communications to her interior provinces and to protect those of her territories near the affluents of the Río de la Plata; desire to increase her white population, which needs the temperate zone in which to generate the qualities celebrated by Mr. Kipling; her hunger for land capable of producing staple food for the Empire; the inevitable sophistry known as the doctrine of natural frontiers; the sum total of these desires—imperialism.² The policy pursued by the skilful statesmen of the Empire was well summarized by a British Minister at Rio de Janeiro:

The policy of Brazil in the River Plate has hitherto served her own objects, by holding out hopes to all parties in turn she has for a long time maintained an influence over all without binding herself completely to any. "Divide et impera" is her motto, and it has certainly placed all these republicans at her feet.³

We have seen the part played by Brazil in the faction fights of Uruguay and Argentina in the '50's; and during the course of the "Guerra Grande" a new and potent factor had appeared to complicate the relationships of the two countries and to draw Brazil more and more toward a policy of intervention. The southern territory of the Brazilian Province of Rio Grande do Sul and the northern Departments of Uruguay constitute one of the finest grazing sections of South America. In the region

¹Pereira Pinto, *Apontamentos para o direito internacional ou collecção completa dos tratados celebrados com diferentes nações estrangeiros*, III, 57.

²Alberdi, *Obras completas*, VI, 30.

³Scarlett to Malmesbury, Rio de Janeiro, April 13, 1858, F. O., 13.362, despatch no. 31.

within the Uruguayan border some 50,000 Brazilians had settled, bought land and established well-stocked estancias.⁴

A great trade with Brazil began and with it inevitable trouble with the Uruguayan authorities attempting to control the cattle export. Cattle-rustling was the reply of the Brazilians to the attempts of the Uruguayan Government to control and tax this lucrative trade. The cattle-rustlers inevitably collided with the local authorities, small armed engagements were frequent and in all their troubles the Brazilians looked for protection to "their own government" as they tended to regard it. Instead of loyally accepting the jurisdiction of the country in which they had settled and invested their money they constituted themselves, with time, a disturbed element constantly clamoring for protection by their former homeland, Brazil. Needless to say, the Empire was not averse to exploiting so highly moral a reason for intervention.

The special interests of Rio Grande do Sul lead us to the general economic problem of the development of Brazil which lies at the root of the traditional antagonism of Spanish and Portuguese America.

That enormous country, which exceeds in area the continental United States, has always struggled with the problem of its economic disunity. To the north of the tropic of Capricorn stretches a limitless territory, a storehouse of tropical products—a kind of colonial empire like an immense Congo pivoting upon two rivers, the gigantic Amazon and the San Francisco. This is the region of forests producing cinnamon trees and borracha, cocoa, Brazil nuts, black rattan, sarsaparilla, ipecacuanha, cinchona, many exquisite kinds of cabinet woods, among them rose and Brazil wood. The zone enclosed by the San Francisco, which, after running parallel to the coast, bends to it abruptly, is the richest in sugarcane, tobacco, plantains and oranges.

To the far south lie the temperate lands—the proper seat of Brazilian civilization—a relatively exiguous triangular territory bounded to the north by the mountainous masses of Matto Grosso and São Paulo and on the other two sides by the ocean and the river system of the Río de la Plata. Between the sources of the Paraná and the coast lies the great coffee producing region;

⁴Washburn, *History of Paraguay*, I, 504.

along its valley are the yerba plantations; to the south and center of the triangle are the cattle lands. Along the coast of Brazil lie the cities, Pará, Pernambuco, Bahia, São Paulo, each the focal center of a separate region, each drawing upon a section of the vast tropical interior. Rio de Janeiro, shut in by mountains, has no hinterland. Inevitably there are differences of interest between these different regional centers. If non-tropical Brazil was to have a center dominating the web of rivers serving as her nervous system, that center was Montevideo, which would enable the Empire to control the Río Uruguay, and dominate the Río de la Plata and the mouth of its other great tributary, the Paraná. In order to cease to be a colonial country, in order to possess a capital that would exploit her tropical Empire as a true metropolis, Brazil had to seek a political center on the estuary of the Río de la Plata. In the development of the country by the immigration of Europeans Brazil has lacked the priceless advantage of a focal center like Buenos Aires. She has sought to remedy this defect by a constant effort to expand towards the great estuary, so long the goal of all her hopes.⁵

This dispersive character of Brazil is what may be called the organic background against which the activities of the immediately interested magnates of Rio Grande do Sul must be placed.

In addition to a struggle between the Brazilian settlers and the constituted authorities there was also a national struggle going on between the Brazilians and Uruguayans both in Uruguay and Rio Grande do Sul. The two nations were the inheritors of the historic hatreds of the Spaniards and the Portuguese—dead rivalries that had become traditions and found their indefinite perpetuation in the realities of the economic struggles of the moment. The international vendetta was reflected in a long series of outrages that form the main theme of the diplomatic correspondence of Brazil and Uruguay for years. We have seen examples of the savage *gaucho* temper in Urquiza's atrocious executions after Caseros. After the battle of India Muerta in 1845 the same General, with characteristic recognition of the arts,

⁵Pereyra, *Francisco Solano López y la guerra del Paraguay*, pp. 37-41.

had his prisoners beheaded to music.⁶ In 1870 General Medina's head was used in a game of bowls—the *Relatorios* of Brazil are a mine of similar atrocities, not wreaked by eminent generals but by the constituents of their future armies. The Brazilian Foreign Minister year after year with great impartiality devoted one of his many *Annexos* to outrages such as murder and arson, perpetrated by Uruguayans on Brazilians in the northern departments of Uruguay and another to similar crimes perpetrated by Brazilians on Uruguayans in Rio Grande do Sul. On August 30, 1859, Andrés Lamas, Uruguayan Minister in Rio de Janeiro, wrote to the Brazilian Foreign Minister, João Lins Vieira Cansansão de Sinimbu, to inform him on behalf of his Government that on May 12 of that year at the town of San Gabriel in the Province of Rio Grande do Sul, Manoela Albina Ferreira, a citizen of Uruguay, had been assassinated by a Brazilian named Lourenço Antonio. The unfortunate woman, after being horribly mutilated by the monster, was thrown still living upon a bonfire.⁷ On November 26, Andrés Lamas wrote to announce that on October 22 the entire family of a Uruguayan named Juan Ribera of Arroio-Grande, municipality of Jaguarão, Rio Grande do Sul, had been assassinated. His wife, two young daughters and a young boy were beheaded.⁸ In both cases the assassins were apprehended. The same year the Brazilian Government instituted enquiries relating to the assassination at different dates of eight Brazilian subjects in the border provinces of Uruguay. In 1858 there were nine such cases of murdered Brazilians. On June 16, 1858, Joaquim Thomas do Amaral, Brazilian Minister at Montevideo informed Federico Nin Reyes, the Uruguayan Foreign Minister, that a Uruguayan Colonel of the Department of Paysandú had carried off twenty head of cattle from the estancia of Maximiano Ribeiro, a Brazilian. On September 13, he wrote again that the Uruguayan authorities had seized twenty-five of the horses of a Brazilian, Manoel Larraurie, from his estancia at Maciel.⁹ These are typical and random examples of the sort of

⁶Araujo, *Gobernantes del Uruguay*, II, 171.

⁷*Relatorio*, 1860, Anexo Q, pp. 13-14.

⁸*Ibid.*, pp. 18-21.

⁹*Relatorio*, 1859, Anexo K, pp. 38-40.

cases continually discussed by the Brazilian and Uruguayan Governments in these years.

The estrangement of Brazil from Uruguay that had resolved, under the leadership of the Blancos, to emancipate herself from the influence of the Empire only sharpened the ancient rancors, and on the invasion of Flores many Brazilian settlers hastened to ally themselves with him as a mere matter of self-defense. The tragic events at Quinteros sent large numbers of Colorado *émigrés* across the border to Rio Grande do Sul. Once the revolution had started, the local Uruguayan authorities, far from trying to conciliate the important Brazilian element and thus preventing it from pronouncing for Flores, redoubled their persecutions, thus driving the Brazilians into active co-operation with the enemies of the Montevidean Government.²⁰

Among the most important figures in the Province of Rio Grande do Sul were General Netto, General Marquess (afterwards Baron Porto Alegre), General Osorio (afterwards Baron Heval), Colonels Saldanha and Illa. These men were *caudillos* of the type of Urquiza, feudal lords combining in themselves a personal, political and economic leadership. Their vital economic interests demanded a government at Montevideo favorable to the Empire. They wanted freedom to graze their mighty herds of cattle on Uruguayan pastures with the minimum of molestation from officials; they wanted to export cattle from the Brazilian estancias in Uruguay when and how they chose. They were great chiefs economic and political, and they demanded *laissez faire* and the right to do what they liked with their own. As politicians the revolution in Uruguay presented them with an obvious opportunity. The exiles would be their lever; perhaps another adjustment of frontier comparable to that of 1852 might be effected. They had incidentally all been conspicuous in the great rebellion of 1837, when Rio Grande do Sul began a desperate ten years' struggle for independence from Brazil—one of many—and eventually they had been bought back to allegiance.²¹ The Government could not afford to ignore them.

²⁰Oneto y Viana, *La diplomacia del Brasil en el Río de la Plata*, pp. 144-5.

²¹*Relatorio*, 1863, Anexo, pp. 315-42; 1864, pp. 10-12.

²²Washburn, *History of Paraguay*, I, 513-14.

The greatest of them all was old General Felipe Netto. He had made a fortune supplying General Oribe's army with cattle during the nine years' siege of Montevideo. Though he had thus helped the Blancos, on their accession to power he had suffered some economic injuries at their hands and was willing to see whether the Colorados had more sense than to try to tax rich men. His representative in the Brazilian Chamber of Deputies was the eloquent Felipe Neri, a native of Montevideo, but of Portuguese ancestry.¹²

It was known to the Brazilian Government that the old *caudillo* had never really given up his dream of an independent "Republic" in Rio Grande do Sul; it was also known that soon after Flores landed and initiated his "crusade of liberation" Netto had sent 1,000 of his *gauchos* to hover on the border. The fact in itself was enough to give anxiety to the Cabinet of San Cristoval. The *caudillo* in getting his cavalry together might be thinking of other things besides helping the Brazilians in Uruguay or sending cattle to Flores. And so Felipe Netto came to Rio de Janeiro in the winter of 1863-64 as the representative of the aggrieved magnates of Rio Grande do Sul. Like Urquiza he knew how to live in a style eclipsing royalty; his banquets were marvels, and Congressmen and Senators attended. His largesse descended like rain upon just and unjust alike. He sumptuously seconded the eloquence of his spokesman Neri, and a majority of the Lower House was won over to the realization of the wrongs of the "outlanders"; and the cry of pain from the South at last became audible to the worthy representatives of the nation.¹³

As early as June 15, 1860, in the Brazilian Chamber of Deputies, Jacintho de Mendonça had interpellated the Cabinet on the situation of Brazilian subjects in Uruguay. The Government of that Republic he said "contented itself with giving us promises which are never fulfilled." The reply of the Foreign Minister, Cansancão de Sinimbú, on July 26 indicated that the Government was pursuing a policy of patience but was ready if neces-

¹²*Ibid.*, p. 519.

¹³*Ibid.*; Herrera to Sagastume, Montevideo, May 1, 1864, text, Herrera, *La diplomacia oriental*, III, 356; Oneto y Viana, *La diplomacia del Brasil*, p. 158, Lobo, *Antes da guerra*, p. 32.

sary to take action on behalf of the legitimate interests of Brazilian citizens.¹⁴

Within a few days of the landing of Flores the Uruguayan Foreign Secretary addressed a circular note to the Brazilian Chargé at Montevideo announcing that meetings had been held in the Argentine Province of Corrientes and in the Brazilian Province of Rio Grande on behalf of the invasion, that such evidences suggested that further assistance might be forthcoming from these circles and that the Uruguayan Government relied on the support of all friendly powers.¹⁵ On May 8, 1863, Herrera returned to the charge in a long dispatch relating to the depredations of raiders from Rio Grande operating in Uruguay on behalf of Flores, of whose concentration he had given notice to the Imperial Government before the landing of Flores, thinking they were ordinary cattle-rustlers.¹⁶ The Brazilian commander on the Quarahim frontier, General David Canavarro, had forwarded through the Chargé in Montevideo assurances that the information was erroneous.¹⁷

On May 7, 1863, the Marquez de Abrantes in a dispatch to Barbosa da Silva instructed him to assure Uruguay that the Brazilian Government had no idea of the events detailed by Herrera; that it had always regarded General Canavarro as worthy of confidence but intended to institute a vigorous enquiry to get to the bottom of the alleged activities on the part of revolutionary partisans of Flores in Rio Grande do Sul.¹⁸

In the meantime the Imperial Government had sent orders to the authorities at São Pedro do Rio Grande do Sul "that the rebel forces that took refuge in that Province should be placed in an entirely innocuous position. The authorities who failed in their duties in not preserving and enforcing the most perfect neutrality would be severely punished."¹⁹

¹⁴Lobo, *op. cit.*, pp. 21-22.

¹⁵Herrera to Barbosa da Silva, Montevideo, April 25, 1863, *Additamento ao relatório de 1863 . . .*, *Relatório*, 1864, Anexo I, p. 79.

¹⁶Herrera to Barbosa da Silva, Montevideo, May 8, 1863, *ibid.*, pp. 87-8; Anexo I, pp. 87-8.

¹⁷Barbosa da Silva to Herrera, Montevideo, April 14, 1863, *ibid.*, p. 82.

¹⁸*Ibid.*, pp. 93-4.

¹⁹Cited by Lobo, *op. cit.*, pp. 9-10, note.

Similar instructions were repeated to the President of Rio Grande do Sul on June 30, 1863.²⁰

On June 21, Herrera informed Barbosa da Silva that the two rebel chiefs, Algañarás and Salvatilla, who had been devastating the Department of Salto, had been defeated by government forces in an engagement north of the Río Arapehy and had thereupon escaped into Brazilian territory. He requested the Imperial Government to give orders for their arrest and internment. On October 22, the Imperial Legation at Montevideo announced that the followers of the two *caudillos* had been rounded up by the Brazilian authorities and interned. For this service the Montevidean Government expressed its gratitude.²¹

On July 18, 1863, the Brazilian Minister at Montevideo, João Alves Loureiro,²² who had presented his letter of credence to President Berro on July 13 in succession to Barbosa, circularized the Brazilian Consuls in Uruguay drawing their attention to his speech on presenting his credentials in which he had announced that the Imperial Government "remained firm in the resolution to observe and compel Brazilian subjects to observe the most perfect and absolute neutrality in the internal conflicts of the Republic."

He instructed them to order their Vice-Consuls to use every effort to dissuade Brazilians from mixing themselves up in the civil war.²³ In a circular of June 15, 1863, and in a separate note to the Brazilian Minister, Herrera dilated on the immense dangers that overshadowed Uruguay in view of the secret and unofficial activities centered in Buenos Aires and working in favor of Flores. He appealed to Brazil and to the Powers to concert measures to safeguard the integrity of Uruguay from external attack. A week later Barbosa da Silva replied that the Empire was prepared in conformity with its treaty obligations to defend the integrity and independence of the Republic. He added that the commander of the Brazilian fleet would be ready in concert with the war vessels of the other foreign nations repre-

²⁰*Additamento ao relatório . . . de 1863*, Anexo I, p. 97.

²¹*Ibid.*, pp. 98-101.

²²Campos, *Relações diplomáticas do Brasil*, pp. 117-8.

²³*Additamento ao relatório . . . de 1863*, Anexo I, pp. 101-2.

sented at Montevideo to protect the customs house, banks and other points involving neutral interests.²⁴

As we have seen, in October, 1863, the Brazilian Minister at Montevideo was sent on a special mission to Buenos Aires to exert his good offices in reconciling Argentina and Uruguay. His efforts were crowned with temporary success on the signature of the Elizalde-Lamas Protocol of October 20, only to be thwarted by the decision of the Blanco Government to insist on Francisco Solano López as co-arbitrator with the Emperor in any future disputes between Buenos Aires and Montevideo.

The fiasco of the Protocol was a flash from the storm cloud that overhung the Río de la Plata. It revealed to the Cabinet of Rio de Janeiro that the Uruguayan appeal of June 15, 1863, was not sincere; that simultaneously the Montevidean Government had initiated diplomatic overtures at Asunción that had brought López upon the scene with a demand for explanations from the Argentine Government; the extent of the distrust felt by the Blanco party for Brazil was shown in its willingness to wreck the Protocol and thereby offend both Argentina and Brazil.

Yet in spite of this the attitude of Brazil seemed unchanged. On December 22, 1863, the Marquez de Abrantes addressed another important dispatch to the President of the Province of São Pedro do Rio Grande do Sul:

The Imperial Government has seen with profound regret that in spite of its urgent and repeated orders and recommendations the cause of the rebellion which at the moment afflicts Uruguay continues to receive the support and co-operation of certain reckless Brazilians, who, mistaking their own interests and those of the country, thus expose the Government to accusations of disloyalty in its solemn declarations, and perhaps to international disputes involving the gravest consequences.

Further, by transgressing the limits of non-interference and neutrality which it is of the utmost importance to the Imperial Government to maintain in face of the disastrous struggle under discussion, the imprudence of those Brazilians is the more wicked and deplorable in that the Government is prevented from rendering them necessary protection by protesting against the vexations or violence of which they may be the victims on the insane courses on which they have embarked. In addition, what is more important, that protection and support to which those innocent Brazilians who live within the territory of the Republic,

²⁴*Ibid.*, pp. 115-19

exclusively occupied with their work and industry, have a sacred right, is rendered difficult.

The President was ordered in conclusion to employ all the means in his power to prevent Brazilian subjects from taking any part in the Uruguayan civil war and if necessary to "punish with the full rigor of the law those who, deaf to the voice of reason and duty, persist in their insane design."²⁵

Alves Loureiro, in a note of December 29, 1863, communicated the instruction to Herrera, who replied on December 31 by a note in which he tendered his sincere thanks on behalf of President Berro of Uruguay "who sees with pleasure the confirmation of the judgment he has formed of the uprightness and cordiality of the Imperial policy towards this Republic united to Brazil by legal, political and material interests that are eminently imperilled by the anarchy that has burst upon the territory of this state."²⁶

On December 23, 1863, the Uruguayan Government addressed another appeal to Brazil against Argentina. In a note to Dr. João Alves Loureiro, Herrera raised the question of the fortifications of the Island of Martín García situated at the mouths of the Paraná and Uruguay. It could be used as an admirable base to block the passage of either of these rivers. In 1851 Martín García had been neutralized by a treaty between Brazil and Uruguay, who had held it since its capture by Garibaldi and his volunteers in 1845. On its restoration to the Argentine Confederation the neutralization was repeated in a treaty between Argentina and Brazil in 1856. Herrera now formally asserted:

Martín García is today a fortress for the convenience of the Flores invasion, the Argentine garrison and the naval force are at his disposition, to take charge of the policing of the Uruguay against the vessels of the legal government of the Republic.

He pointed out that owing to this flagrant violation of treaties it was impossible to cut off the continuous stream of supplies that was reaching Flores from Buenos Aires. He concluded by requesting the Imperial Government to take such measures as the fulfilment of the treaties required.²⁷ On February 12, 1864, the

²⁵*Ibid.*, p. 122.

²⁶*Relatorio*, 1864, Anexo I, pp. 1-3.

²⁷*Ibid.*, p. 5.

Brazilian Government replied that the treaties did not require it to take coercive measures in order to secure the continued neutrality of the Island. It would, however, point out to the Argentine Government the dangers of the position, since the fortification of the Island might, in the event of war, make it a center of hostilities to the prejudice of commerce and the free navigation of the rivers.²⁸ It was evident that Brazil had no intention of picking a quarrel with Argentina over the wrongs of Uruguay. The Empire was, in fact, on the eve of a dramatic change of policy.

No one can examine the attitude of Brazil towards her neighbor to the south during the first year of the Flores rebellion without feeling that it constitutes a favorable contrast to that of the Mitre Government. There was a real effort to pursue a good neighborly policy and to prevent the turbulent spirits of Rio Grande do Sul from dragging their country at the heels of their cattle. That the Uruguayan complaints were often well founded the Marquis of Abrantes himself admitted. The Uruguayan Government went out of its way to protest its confidence in the honesty of the Empire and its gratitude for the effective action taken to check incursions over the border.

On the other hand, the Brazilian Government had no reason for feeling any confidence in the honesty of the Blanco régime. The Montevidean press was consistently anti-Brazilian; the efforts of the Government to embroil Paraguay in its own difficulties with its two great neighbors were as notorious as the fact of the hostility of Paraguay to Brazil, an hostility made more definite by the active and patent military preparations of Francisco Solano López since his succession to the Presidency. Brazil had very real and definite grievances against Uruguay, and since the converse, as we have seen, was also true, the problem was ideally adapted for solution, if not by amicable negotiation, at least by arbitration. The tangled condition of events and policies on the banks of the Río de la Plata; the ferocious faction fight in Uruguay creating daily repercussions in the Argentine Republic; the enigmatic and menacing attitude of Paraguay that in the last ten years had constituted itself a strong military

²⁸*Ibid.*, p. 6.

state; all these factors threatened at any moment to engulf the whole Southeast of the continent in a general war. The tradition of Brazilian diplomacy, cautious and far-seeing, counselled continuance of the policy of watchful waiting, the maintenance of the neutrality that the Marquis of Abrantes had ordered the President of Rio Grande do Sul to maintain and enforce by all the means in his power. A forward policy at this moment was bound to be fraught with incalculable dangers to the Empire and to the larger interests of the peoples of the great valley.

The results of intervention in Uruguay had not been encouraging. Dissatisfied with the attitude of President Giró and the Blanco majority Brazilian diplomacy had extended its patronage, to say the least, to the restless Colorado, Flores, in 1853. Once in power Flores had become increasingly independent in his attitude to the Empire. In 1855 the Brazilian Minister, Amaral, had assumed a studied neutrality when Flores in his turn was compelled to fly from Montevideo before an insurrection that the presence of a Brazilian garrison was supposed to render impossible. He had retaliated by breaking off diplomatic relations with the Empire as a final gesture before he accepted the situation and abdicated. For a short time Brazilian influence seemed again in the ascendent. Then, as we have seen, President Berro began to develop his "national" policy. More and more the Blancos assumed an attitude of suspicion and aloofness towards the Empire. It was the normal reaction of national feeling towards foreign interference and supervision. Flores might welcome intervention for a time, as he had welcomed it before, but could the Empire rely on his continued subservience to Brazilian interests? Brazilian diplomacy might play off one party against another in the River Plate. All alike were willing to call in the Empire for their own purposes, but none would long maintain an alliance with the "macacos." Brazil had little to tempt her to take a hand once more in the bewildering game of "beggar my neighbor." The moment seemed the least auspicious for the resumption of a forward policy full of risks and certain to arouse the suspicions and hostility not only of unstable South American Republics but of England and France especially active in the politics of the River Plate at this period. Whatever vague intentions Brazilian Governments might nourish from time to time

of an absorption, peaceful or otherwise, of distracted Uruguay, a perusal of British diplomatic correspondence relating to the River Plate in the '50's reveals with startling clarity that Great Britain and France constituted an insuperable obstacle to the realization of any such designs.²⁹

The new Chamber of Deputies was opened with the speech from the throne on January 1, 1864. Among other things the Emperor said:

Unfortunately the civil war in the Republic of Uruguay continues to grow, and the peaceful relations between it and the Argentine Confederation have been shaken. The Brazilian Government, continuing to preserve the strictest neutrality, will see that the international agreements relative to the former Republic are respected, as well as the rights and legitimate interests of the Brazilians in the states of the Río de la Plata.³⁰

This enigmatic and passing reference seemed to be directed more against Argentina than against Uruguay; in fact it seemed the announcement that Brazil was ready to defend Uruguayan integrity. A few days later the Marquez de Abrantes reported:

There was reason to believe that certain Brazilians of the less responsible type sympathized with and were supporting the cause of the rebels. More certain were the suspicions that it drew its force and means of development chiefly from Buenos Aires and Corrientes. With these apprehensions, the first care of the Government of the Republic was to request of the Governments of Brazil and of the Confederation definite steps to secure that the authorities and people of the respective countries maintained in the presence of such deplorable events the strictest neutrality.

But the Chamber was in a polemical mood. The previous Chamber of Deputies had been dissolved at the beginning of the previous year, and the new Congress had arrears to make up. It was the day of the Liberals. A brilliant group confronted the little conservative rump. Theophilo Ottoni represented the advanced Liberals; José Antonio Saraiva, the Moderates. Between these two were all the rest: Zacharias de Vasconcellos, Francisco Octaviano, Tavares Bastos, José Bonifacio, Affonso

²⁹Sec Jerningham to Clarendon, Rio de Janeiro, January 9, 1856, F. O., 13 338, despatch no. 4. The diplomatic activity of the United States appears to have been slight on this question.

³⁰Cited by Lobo, *op. cit.*, p. 30.

Celso, among the most notable.³¹ There was a preponderance of youth, and we must also remember that the '50's of the Empire had witnessed its zenith of prosperity and power.³² Like John C. Calhoun and the war hawks of 1812, the young Brazilian Liberals of 1864 were ready for a grand gesture. On March 14, 1864, the Minister of the Marine emphasized, amid general approval, the necessity for a strong Brazilian navy in view of the disturbed conditions in the Río de la Plata. It was in this excitable atmosphere that General Netto began his raging, tearing propaganda for a final reckoning with Uruguay. The Chambers resounded with the narratives of woe borne by the representatives of the South and the resistance of the Government of Zacharias was negligible.³³ Nabuco has etched an unforgettable portrait of the Minister who was about to make so fateful a decision:

Methodical all his life, meticulous as a bureaucrat in every stroke of his pen, calling all and sundry to account by the rule of the constitutional pedagogue, he was the most implacable and also the most authoritative censor that I have known at our parliamentary tribune . . . In him was no trace of sentimentality; no affection, no frankness, no intimate complaisance threw their shadow over the acts, words, or thoughts of the politician. His position reminded one of a warship, with the quarter-decks battened down, the decks cleared, steam up, the crew at their posts; lonely, unapproachable, ready for action.³⁴

He had to face not only the press and the opposition but a steadily rising feeling in his own party in favor of intervention. The pressure came to a head in the session of April 5, 1864. Ferreira da Veiga interpellated the ministry on the measures they were taking to protect the lives and honor of Brazilians resident in Uruguay. He described in burning words the terrors of sack and spoliation to which they were exposed, and his passionate speech was punctuated by cries of horror from his feverishly excited audience.³⁵ In reply the Minister of Foreign Affairs declared that, while disclaiming any intention of intervening in the internal affairs of Uruguay, the ministry had resolved to draw up a statement of all the unsettled claims against the Republic made

³¹*Op. cit.*, p. 29.

³²Nabuco, *Um estadista do império*, II, 119.

³³Lobo, *op. cit.*, p. 35.

³⁴Nabuco, *op. cit.*, II, 116.

³⁵Cited by Lobo, *op. cit.*, p. 38.

since 1851 in order to address "a new and more positive demand" to the Montevidean Government. Brazil was not disposed to tolerate violence and outrage against her subjects' lives and property even if perpetrated under cover of civil war.³⁶ In effect Zacharias had yielded to pressure and had undertaken to serve a peremptory demand on Uruguay for "restitution, reparation and guarantees."

The voice of reason was raised in the Senate by Silveira da Motta. He asked on whom could the Empire rely in making this leap in the dark.

The Government does not know what allies it has. Does it count, I ask, on Uiquiza? It cannot count on him. Does it count on Mitre? It cannot count on him. I believe we cannot count even on his creature. What is the consequence? We are taking a false step: we shall have to recede leaving the arms and the prestige of the Empire demoralized.³⁷

Every element of prudence counselled delay until the crisis of immense complexity in which every factor was unknown had further developed. It is important to bear in mind that in the early days of April José Marmol had arrived from Buenos Aires on the mission that has been already indicated. In view of his instructions it is legitimate to infer that he did nothing to restrain Brazil at this moment, if he did not actually encourage her with the hope of Argentine co-operation, to embark on a policy of intervention in Uruguay. But the recklessness that had infected Zacharias was partly atoned for by the selection of the diplomat who was to undertake the incredibly difficult task to which the Imperial Government had committed itself. On April 20, 1864, the Minister of Foreign Affairs handed his instructions to José Antonio Saraiva, as Envoy Extraordinary and Minister Plenipotentiary on special mission to Uruguay. The way was prepared by a note to the Brazilian Minister at Montevideo. On the instructions of his Government Loureiro informed Herrera that a Brazilian force was to be stationed on the Uruguayan frontier to prevent invasions by Montevidean troops in pursuit of the partisans of Flores, to check incursions into Uruguay from Rio Grande do Sul, and, finally, to have an army ready for all

³⁶*Ibid.*, p. 43.

³⁷*Ibid.*, p. 54.

emergencies. The news of the debate of April 5 alarmed Herrera considerably.⁸⁸

A man of austere character with the highest reputation for single-hearted devotion to the public service, liberal-minded, his capacity tested by the successful discharge of administrative duties, José Antonio Saraiva had won a widespread respect for the delicacy of conscience that made him test public and private transactions in terms of a scrupulous sense of honor and with the independence of spirit characteristic of such men.⁸⁹ He arrived at Montevideo with his co-adjutor, Dr. Tavares Bastos, on May 6, 1864, and his arrival synchronized with the movement to Uruguayan waters of a powerful Brazilian squadron; at the same time Imperial troops began to concentrate along the Uruguayan frontier.

His instructions were of the most drastic kind. Basing himself on the unsettled claims of Brazil against Uruguay on behalf of Brazilians who had unjustly suffered loss, persecution, or death in Uruguay since 1851, the special commissioner was to demand (1) that the Government of the Republic should proceed to punish, if not all the guilty, at least those criminals who were known and some of whom occupied civil and military posts; (2) that the police who had abused their authority should be at once cashiered and held to responsibility; (3) that the Brazilians who had been despoiled of their property by the civil and military authorities of the Republic should be adequately compensated; (4) that the Brazilians who had been forced into the military service of the Republic should be set at liberty; (5) that the Government of the Republic should publicly issue instructions to the competent authorities condemning the previous scandals and outrages, ordering the greatest care in the execution of the laws and threatening transgressors with such punishments as would make effective the guarantees promised by the law to all citizens; (6) that instructions be issued for the faithful fulfilment of the existing agreement embodied in the exchange of notes of November 28 and December 3, 1857, by which cer-

⁸⁸Lettsom to Russell, Montevideo, April 27, 1864; *Correspondence Respecting Hostilities in the River Plate*, part I, no. 1.

⁸⁹Lobo, *op. cit.*, pp. 63-65.

tificates of nationality issued by the competent authorities of either party were to be respected by the other; (7) that the Government of the Republic take the necessary steps to secure that the Brazilian Consuls receive the consideration and respect due to their office. In conclusion Saraiva was to inform the Uruguayan Government that in order to prevent the passage of contingents from Rio Grande for Flores the Imperial Government had resolved to concentrate troops on the frontier, "which will also serve to protect the life, honor and property of the subjects of the Empire if, contrary to our expectations, the Government of the Republic, ignoring this final intimation, is unable or unwilling to do so itself."⁴⁰

Quite clearly, such instructions handled bluntly would result either in the complete humiliation of the Uruguayan Government, or in an immediate rupture with the Empire. Saraiva spent some time after his arrival in Montevideo in studying the situation and it was not until May 12, 1864, that he presented his credentials to President Aguirre.⁴¹ On May 15, Vice-Admiral Baron de Tamandaré arrived at Montevideo with a Brazilian squadron of five vessels to support the diplomacy of Saraiva.⁴²

The situation was menacing in the extreme. In March, 1864, Atanasio Aguirre had succeeded the veteran Bernardo Berro as President of Uruguay. He possessed all the bitter partisanship of his predecessor, one of the foremost figures of the Blanco party and the wisest of Oribe's counsellors, but none of his outstanding abilities.⁴³ In addition Aguirre was the prisoner of the military element of the Blanco party that had vowed to resist Brazil as well as Buenos Aires to the end, and was now pinning its faith on the help of Francisco Solano López and the Paraguayan war machine. The menacing attitude assumed by López towards Argentina since the previous September should have been sufficient warning to the Empire of the danger of em-

⁴⁰*Op. cit.*, pp. 72-4.

⁴¹Lettsom to Russell, Montevideo, May 13, 1864; *Correspondence Respecting Hostilities in the River Plate*, part I, no. 3.

⁴²Rear-Admiral R. L. Warren to Admiralty, Rio de Janeiro, June 7, 1864, F. O., 51.128.

⁴³Oneto y Viana, *La diplomacia del Brasil en el Río de la Plata*, p. 166.

barking on a forward policy in Uruguay. At the moment of Saraiva's arrival, Herrera was bending his energy to convert López to the necessity of intervention on behalf of the independence of Uruguay.

The internal situation in Uruguay, apart from the civil war, was exceedingly obscure and critical. The intrigues of the extreme Blanco party, of which Antonio de las Carreras was the ablest member, to secure the election of their candidate, Dr. Estrazulas, as President of the Senate, in which capacity, in view of the state of emergency in the country, he would automatically have succeeded President Berro on March 1, 1864, led the latter to close the sessions of Congress on January 14, 1864.⁴⁴ On January 21, the extreme Blancos countered by an attempted coup d'état. Colonel Olid, Military Commandant of the Department of Maldonado and Minas, left the capital without the knowledge of the Government and proceeded to his command with the intention of raising it against the Government in favor of Dr. Estrazulas. The Government replied by securing the allegiance of Olid's subordinate officers and so neutralizing his *pronunciamiento* and followed up this success by arresting on the night of January 26 and the morning of January 27, eight of the extreme Blanco leaders including Dr. Estrazulas and Eduardo de las Carreras, the brother of the redoubtable Antonio. For some reason the latter firebrand was left at liberty, although Herrera had told the British Chargé some days before that he also was to be arrested.⁴⁵ The conspirators after being confined on hulks in the harbor were banished from the country. On landing at Buenos Aires, Dr. Estrazulas announced his support of Colonel Olid and in a picturesque proclamation denounced both Flores and "the sacrilegious Don Bernardo P. Berro, that rebel and perjured man." He announced his intention of returning within the month.⁴⁶ With two other exiles he proceeded to Asunción where, apparently on the instructions of Herrera, they were well received

⁴⁴Lettsom to Russell, Montevideo, January 16, 1864, F. O., 51.124, despatch no. 2.

⁴⁵Lettsom to Russell, Montevideo, January 25 and 26, 1864, F. O., 51.124, despatches nos. 5 and 6.

⁴⁶Lettsom to Russell, Montevideo, February 27, 1864, F. O., 51.124, despatch no. 16.

by the Uruguayan Agent and lodged in his house, much to the astonishment of the Paraguayan Government.⁴⁷ After a short holiday they reappeared at Montevideo on board the Paraguayan steamer *Paraguari*. The action of the port authorities in refusing them permission to land led to a collision with the Paraguayan commander. This inevitably became a "diplomatic incident" between the Governments of Paraguay and Uruguay and occasioned considerable friction before the sensitive feelings of President López were assuaged by profuse apologies.

In the meantime the moderate Blancos had provided themselves, as we have seen, with a President. Atanasio Cruz Aguirre was elected President of the Uruguayan Senate on February 18, 1864, after several futile attempts to overcome the sabotage of the extremists and three days after the latest constitutional date for the election.⁴⁸ The election was viewed with general favor except by the most violent of the extreme Blancos and the Montevidean Government achieved a precarious stability, in spite of the somewhat unsavory financial reputation of the new chief magistrate.⁴⁹ With the extreme Blancos suppressed, Herrera resumed his policy of pursuing the alliance of López, a policy that was of all others best calculated to play into the hands of those same *exaltados* who constituted what was in effect the war party.

Saraiva at once grasped the immense dangers of this projected Paraguayan-Uruguayan alliance. Further he realized that the civil war that was convulsing Uruguay was not likely to end in the near future in favor of either of the combatants. Flores had no reliable infantry, the *sine qua non* of an effective military occupation, and the Montevidean Government was weak in cavalry. In the result the Uruguayan De Wet could always escape the forces of the Government, and in raid after raid his incomparable *gauchos* would carry fire and sword from one end of the Republic

⁴⁷Berges to Vazquez Sagastume, Asunción, August 30, 1864; *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17.

⁴⁸Lettsom to Russell, Montevideo, February 13 and 19, 1864, F. O., 51.124, despatches nos. 10 and 11

⁴⁹Lettsom to Russell, Montevideo, March 30, 1864, F. O., 51.124, despatch no. 34.

to the other. On the other hand, Flores could never hold anything; his military movements resolved themselves into a perpetual flight, and he had no chances of taking Montevideo.⁶⁰ From his analysis of the situation Saraiva reached the conclusion that in order to secure the adequate protection of the lives and property of the Brazilians in Uruguay either the country must be pacified and the two factions reconciled, or Brazil would have to embark on extensive operations, even war and all its gambles. At the moment Brazil was isolated—few in the valley of the Río de la Plata believed in the honesty of her intentions. To old memories of political events were added older national prejudices. The more closely Saraiva studied the tremulous balance of events the more convinced he became of the fundamental error of the Brazilian Government in yielding to popular clamor and initiating a policy that might well call innumerable spirits from the vasty deep of the seething South; might even confront the Empire with a coalition of all her enemies.⁶¹

With these considerations in mind Saraiva addressed his first note to the Uruguayan Government on May 18, 1864.⁶² He translated the severe and imperative instructions of his Government into language of the utmost tact. He pointed out to the Uruguayan Government that the Imperial Government was resolved to prevent Brazilian subjects domiciled in Rio Grande do Sul from taking any part in the civil war in the neighboring Republic, but that the constant cry from the Brazilians resident in Uruguay "echoes throughout the Empire and especially in the neighboring Province of Rio Grande do Sul; and the Imperial Government cannot foresee, nor perhaps will it be able to avoid the effect of this echo, if the Government of the Republic does not contribute promptly with frankness and decision to the removal of the causes indicated."

He formulated the seven demands of the Imperial Government, which have been cited above, as "the only effective means

⁶⁰Saraiva to the Imperial Government, confidential, May 14, 1864, in *Correspondência e documentos relativos á missão especial do conselheiro José Antonio Saraiva ao Río da Prata*, p. 8.

⁶¹Oneto y Viana, *La diplomacia del Brasil*, p. 168.

⁶²*Relatorio*, 1865, Anexo I, p. 4.

Documentos diplomáticos, misión Saraiva, pp. 1-14.

of removing the ills that afflict its fellow-citizens," but he omitted to mention the one clause of his instructions that plainly indicated war, where the Imperial Government declared that the troops concentrating on the Uruguayan frontier would be used to protect the Brazilians in Uruguay if the Montevidean Government did not do so. Attached to the note was a long memorandum on the pending claims of Brazil on behalf of her subjects initiated since 1852.

On May 24, Herrera replied with a long, argumentative and ably written note. He attributed most of the ills of which the Brazilian Government complained to the civil war⁵³ and then asked the unanswerable question—since the Brazilian claims go back twelve years, how comes it that Brazil has patiently borne these insupportable evils all this time only to hurl her demands like a bomb at the very moment when the Uruguayan Government can least meet them; when, in fact, it is not in a position to do anything except fight for its life against an invasion "plotted, organized and armed on Argentine and Brazilian territory?"⁵⁴ Forty thousand Brazilians subjected to "our inhuman proceedings" for twelve years have produced *sixty-three claims*—five a year!⁵⁵ The mountains in travail had brought forth a mouse. He then took the offensive. If it were true that the Brazilian frontiersmen had helped Flores because of the continuous oppression of the Uruguayan authorities, why did frontiersmen of Corrientes and Entre Ríos help him? The Argentine Government had not, like the Brazilian, sought to excuse the activities of some of its citizens by alleging that the Uruguayan Government habitually persecuted them. The truth was that Flores and other intriguers could always get followers from among the "uncivilized masses of our frontiers, the Tartars or Bedouins of those regions, smugglers and malefactors . . . like the peoples that inhabit the desert, and the outskirts of countries not yet sufficiently protected by civilization."⁵⁶ He asks bluntly—will the Brazilian General Netto who has fomented these

⁵³*Documentos diplomáticos, misión Saraiva*, p. 18.

⁵⁴*Ibid.*, pp. 14-19.

⁵⁵*Ibid.*, p. 19.

⁵⁶*Ibid.*, p. 24.

disorders with money gained, thanks to the protection of the Uruguayan Government; will the officers and officials who have yielded to his inspiration stop their intrigues "because the Uruguayan Government at the request of the Imperial Government again adopts measures favorable to the Brazilian population? It would be a mistake to think so."⁸⁷

The Uruguayan Government has just as much interest in the peace and order of her frontiers as the Brazilian. Once the Brazilian contingent that was co-operating with Flores had been routed and disarmed there would be time to discuss the questions raised by Brazil, for then the principle of authority would not be involved and challenged.⁸⁸ He concluded by suggesting that the two Governments seek in common a definitive principle of action for such cases, a rule of law that would avert unfortunate events.⁸⁹ Appended to this reply was a statement of the forty-eight outstanding claims of Uruguay against Brazil on behalf of Uruguayan citizens resident in the Empire together with select affidavits.⁹⁰

However clever such replies may be, and however tempting, very rarely can a statesman afford to make them. From the point of view of Saraiva, who was at once endeavoring to bring the Montevidean Government to reason and, as we shall see, to hold back the Imperial Government, Herrera's reply was tragic. It could only inflame the intransigents of Rio de Janeiro. On June 4, 1864, in a long and dignified dispatch he replied.⁹¹ He dryly pointed out with citations that the neutrality of the Imperial Government in the civil war had on several occasions been recognized by the Montevidean Government:

It is profoundly erroneous, Mr. Minister, to assert that the recent invasion of the Republic was plotted or organized on Brazilian territory. To do so it is necessary to forget what everyone knows, also declarations contained in the state papers of the Uruguayan Government. It is above all erroneous and strange for Your Excellency to say now that this invasion took place thanks to the aid or complicity of the military

⁸⁷*Ibid.*, pp. 26-27.

⁸⁸*Ibid.*, p. 27.

⁸⁹*Ibid.*, p. 28.

⁹⁰*Ibid.*, pp. 28-46.

⁹¹*Ibid.*, pp. 46-60.

Relatorio, 1865, Anexo I, pp. 19-31.

authorities of Brazil whose conduct Your Excellency has elsewhere recognized in a flattering manner.

Only now does Your Excellency call the civil war a Brazilian-Argentine invasion: before the Empire assumed an attitude inconvenient to the Government of the Republic, the war was not called an invasion, nor was Brazil its base.²²

The thrust was keen and the implication obvious. He continued:

It is not for me to pronounce on the responsibility of the Government of the Republic for such errors. I merely indicate the burning exclusiveness and political intolerance of the country as the causes of the war which Your Excellency calls a Brazilian-Argentine invasion. . . .

For this reason in the name of his Government he insisted on protection for Brazilians "not indeed from the calamities inherent in civil convulsions, but from the violence and crimes that, under this pretext or without it, have been and continue to be practised by the very agents of the Government of the Republic."²³

The Brazilian claims were on account of the abuse of authority by officials of Uruguay; the Uruguayan counter-claims were on account of the derelictions of private persons.

In the Brazilian claims it is the abuse of authority that always stands out, and it is against this abuse excited by civil war that Brazil protests with energy.²⁴

Even if there were a perpetual civil war, the Uruguayan Government should be held responsible for the acts of its own agents.

The description of the war which devastates the Republic given by Your Excellency is neither exact, just, nor timely. It is inexact because the forces of General Flores have not committed against Brazilians resident in the countryside more outrages than have those of the Government itself. It is unjust, because, General Flores having governed the Republic and having connections with one of the parties that for many years took part in the active politics of the country, he cannot be considered the chief of a band of malefactors without inflicting a grave insult on all Uruguayans. It is untimely because, qualifying the civil war in this way, the Uruguayan Government sweeps away the hopes that the friends of peace build on a compromise that, saving the sacred in-

²²*Documentos diplomáticos, misión Saraiva*, pp. 52-53.

²³*Relatorio*, 1865, Anexo I, p. 25.

²⁴*Relatorio*, 1865, Anexo I, p. 26.

²⁵*Ibid.*, p. 27.

terests of the Republic, might assure her a future happier than the present.⁶⁶

Not only was the note "a lesson in urbanity,"⁶⁶ it revealed how far Saraiva had departed from the spirit of his harsh instructions. He had in fact decided to alter the whole scope of his mission and to concentrate all his efforts on the pacification of Uruguay as the only real way out of a situation fraught with immense perils alike for Brazil as for all the countries of the Río de la Plata. He had impressed upon his Government from his first arrival at Montevideo the necessity of a *rapprochement* with Argentina. The evident interest of Buenos Aires was to avert armed Brazilian intervention in Uruguay. The fact that diplomatic relations between Buenos Aires and Montevideo had been suspended since the previous December (1863) made the position more serious. On May 28, 1864, Saraiva wrote to his Government for an extension of powers. He asked for information as to what policy would be pursued in the event of a rupture with Uruguay; credentials to undertake negotiations with Argentina on a peaceful settlement of the civil war, and, if necessary, on the occupation of Uruguayan territory; powers to negotiate with Paraguay, from whom difficulties might be expected in view of the efforts made by the Montevidean Government to win the co-operation of President López; information as to the date on which the military preparations on the frontier would be completed.⁶⁷ This brief document is the measure of the political sagacity of Saraiva. His exchange of notes with Herrera had illuminated the hysterical intransigence of the Blanco Government; a rupture was a possibility that had to be faced. But whereas his original instructions would have fully authorized him in breaking off relations with Montevideo on the receipt of Herrera's note of May 24, and setting in motion the "coercive measures" Brazil had resolved to employ, the whole of his policy was now subordinated to the grand end of pacifying Uruguay before asking her to meet any one of the Imperial demands. In

⁶⁶*Ibid.*, p. 30.

⁶⁷Oneto y Viana, *op. cit.*, p. 182.

⁶⁸*Correspondência e documentos relativos á missão especial do conselheiro José Antonio Saraiva ao Rio da Prata*, cited in Lobo, *op. cit.*, pp. 142-4.

pursuit of this goal Argentina became a pivot of his policy, and his masterly analysis had also divined the true importance of Paraguay in the whole problem. In other words, Saraiva was engaged in averting the stupendous disaster that he foresaw might at any moment follow the inauguration of the policy Zacharias had resolved to pursue in obedience to the urgings of a reptile press and a tuned public opinion.

The powers he demanded were conceded by the Imperial Government, which was impressed by the width and penetration of his views and yielded to his prestige;⁶⁸ but it did so not without opposition. Already the vultures, who in all lands and times raise their shrill chorus against those who seek peace and ensue it, thus depriving them of their supply of carcasses, had begun to denounce Saraiva who had dared to transform his mission. Instead of declaring war he was obviously seeking peace.⁶⁹ The conclusion of his new instructions held the menace suspended:

If pacific and diplomatic measures are not successful, if the Uruguayan Government persists in its refusal, ignoring our final friendly intimation, it will be necessary and unavoidable for us to go forward winning justice by our own hands—whatever the consequences.⁷⁰

To turn to the development of Argentine policy. On May 31, 1864, while dining with Thornton, the British Minister, Elizalde told him "that he had been meditating whether it would be expedient that he himself should proceed to Montevideo for the purpose of conferring confidentially with the Montevidean Government and of endeavoring to induce them to come to an arrangement with the Argentine Government so as to put an end to the existing interruption of relations between them." He evidently asked for Thornton's co-operation, for on June 1 they both had an interview with President Mitre, who requested Thornton to accompany Elizalde on a British warship as, in the existing situation, it would be dangerous for an Argentine warship to enter Montevideo harbor. The British Minister reported:

In the course of the interview the President observed with great truth that the question between the Argentine and Montevidean Governments was secondary to, and almost entirely dependent upon the state of in-

⁶⁸Nabuco, *La guerra del Paraguay*, pp. 31-33.

⁶⁹Lobo, *op cit*, p. 144, note 12.

⁷⁰June 7, 1864, cited by Oneto y Viana, *op cit*, p. 171.

ternal warfare which existed in the Republic of the Uruguay, and that if an arrangement could be previously made between the Montevidean Government and General Flores it would not only be an immense advantage to this country, but would render the settlement of the Argentine question extremely easy.

Since the Brazilian demands on Uruguay had also arisen out of the internal situation, Mitre agreed that Elizalde and Thornton should concert action with Saraiva if he were willing to co-operate.⁷¹ Thus informally the British Minister undertook his important mission.

On June 2 Thornton wrote to Lettsom, the British Chargé at Montevideo:

The Argentine Government are always desirous of coming to an arrangement of their difference with the Montevidean Government. They have therefore determined to send a gentleman holding a high position here to Montevideo in a confidential character for the purpose of communicating personally, though privately, with the President and his Ministers.

He announced that he was himself coming to Montevideo and at the same time wrote to the British naval authorities on the station for a special war-steamer to convey him and Elizalde. H.M.S. *Triton* duly arrived at Buenos Aires on June 4.⁷²

In the meantime Lettsom had experienced some difficulty in persuading Herrera "to consent to enter *at present* on a renewal of an attempt to settle the difficulties with the Argentine Confederation."⁷³ Herrera considered the moment inopportune "and he added that his Government had, for the moment, quite enough on their hands by discussing with Señor Saraiva the complications with Brazil."⁷⁴ Under the pressure of Lettsom's urgent representations he finally agreed to lay Thornton's letter before President Aguirre. On June 3 Herrera wrote to Lettsom formally accepting the suggestion that Thornton and the Argentine envoy should come to Montevideo to attempt an "arrangement of the existing international difficulties." On June 4 Herrera

⁷¹Thornton to Russell, Montevideo, June 11, 1864, F. O., 6250, despatch no. 47.

⁷²*Ibid.*

⁷³*Ibid.*

⁷⁴Lettsom to Russell, Montevideo, June 27, 1864, F. O., 51 124, despatch no. 49.

wrote to Thornton asking him to bring Lamas with him. On the same day, that is after he knew of the acceptance of the proposal by the Uruguayan Government, Mitre wrote to Aguirre announcing that he was sending an envoy to Montevideo in a private and confidential character to discuss and settle the outstanding differences that separated the two Governments.⁷⁵ On June 5 Elizalde, Lamas, and Thornton embarked on the *Triton* and arrived in Montevideo on June 6.⁷⁶ Thornton thus reported his movements that afternoon:

Señor Elizalde and myself at once put ourselves in communication with Señor Saraiva, who received us most cordially, and after very natural hesitation, considering the unsatisfactory state of his negotiation with the Montevidean Government, agreed to co-operate with us in our endeavors to bring about the pacification of this Republic.⁷⁷

They immediately interviewed President Aguirre and urged upon him the imperative necessity of an internal pacification. Any anxiety the Uruguayan Government might have felt at the mediation of her two powerful guarantors was removed, as Elizalde had anticipated, by the presence of the distinguished and respected Minister, Thornton, who was as deeply interested in the success of this remarkable effort as his colleagues. Immediately after their *rapprochement* with Saraiva, Thornton and Elizalde began to mobilize public opinion at Montevideo in favor of peace with Flores; five days later Thornton wrote:

Our time has been much occupied in bringing our influence to bear in the cause of peace amongst our friends, of whom Mr. Elizalde and myself have many at Montevideo, and I am happy to say that we have been able to raise such a force of public opinion, as the Government will probably find it difficult to resist. We have likewise succeeded in inducing the greater part of the Press to change its tone and to advocate the cause of peace. Several conferences have been held with Señor Herrera and other members of the Government, at which Señor Saraiva has been present with us and after some resistance, they have consented that Señor Elizalde, Señor Saraiva, and myself shall pay a visit to General Flores at his camp wherever it may be. We are to be ac-

⁷⁵Mitre to Aguirre, Buenos Aires, June 4, 1864, *Memoria presentada por el ministro de estado en el departamento de relaciones exteriores al congreso nacional de 1865* (Argentina), Anexo E, pp. 25-26.

⁷⁶Thornton to Russell, Montevideo, June 11, 1864, F. O., 6,250, despatch no. 47 and enclosures.

⁷⁷*Ibid.*

accompanied by two Commissioners on the part of the Government, Señor Lamas and Señor Castellanos, who are furnished with instructions to treat with General Flores. These two gentlemen were named for the purpose at our suggestion."

It is necessary to note at this point what Thornton glides over in significant silence, that the purpose for which he and Elizalde had announced they were coming to Montevideo had been completely transcended the moment they landed. Neither Lettsom nor the Montevidean Government had been informed of the real objective of the mission which had resolved itself into a successful attempt to coerce the Blanco Government into an agreement with Flores. It is vital to bear this in mind in view of the later development of the mediation *à trois*. From the very first moment the Government of President Aguirre must have been prejudiced against the Ministers who thus brusquely overrode it and organized public opinion against it in its own capital. Lettsom noticed this change.

In Mr. Thornton's confidential letter to me of which I have spoken, the settlement of the difficulties with the Argentine Confederation was the matter treated of.

On his arrival however with Dr. Elizalde, it became at once apparent that the suppression of the Revolution under General Flores was the main point which those gentlemen had in view."

As a result of their joint representations the Montevidean Government embodied what the mediators considered the essential bases for the pacification in a decree dated June 10, announcing the joint mediation of Saraiva, Thornton and Elizalde. The conditions were generous: (1) Full amnesty to all in arms against the Government. (2) All who took advantage of the amnesty were by the mere act of laying down their arms restored to any official position they occupied before the rebellion. (3) After general disarmament of the forces in arms against the Government, measures were to be taken to guarantee to all citizens the full enjoyment of their civil and political rights. (4) Once pacification of the country was complete, the Government in accordance with the Constitution was to fix a date for the

"Thornton to Russell, Montevideo, June 11, 1864, F. O., 6,250, despatch no. 47.

"Lettsom to Russell, Montevideo, June 27, 1864, F. O., 51,124, despatch no. 49.

election of members of the Legislative power which was to be convoked in order to proceed to the election of a President of the Republic. (5) On communicating this decree to the Commander-in-Chief, the Government would warn him that he should suspend military operations at the moment he was informed of the date by special resolution of the Government.⁸⁰ In communicating this decree to Thornton, Herrera made what was in effect an attempt to commit him to the settlement of the Argentine and Brazilian questions which had already been generally discussed with the mediators. He wrote:

The Government, confident in having thus done in complete sincerity and loyalty everything possible to secure internal pacification, relies also on the confirmation by this means of the bases already agreed on in the presence of Your Excellency for the settlement of the Argentine and Brazilian questions.⁸¹

Thornton acknowledged this suggestion in a note of diplomatic evasion:

I have had the honor of receiving the note of Your Excellency of today's date, and omitting the antecedents to which it refers and the form in which the views of Your Excellency's Government are cast, and confining myself solely to the great objective of the pacification of the Río de la Plata and seeing in the documents that Your Excellency has been good enough to send me that noble objective, he anticipated a happy result.⁸²

The Government then appointed Andrés Lamas and Dr. Florentino Castellanos as its Commissioners to accompany the three mediators on their journey to meet Flores. Andrés Lamas has revealed the view he took of the problem. He felt that a distinction had to be made between the policy of the Empire and the aspirations of Rio Grande. The civil war in Uruguay was inflicting economic injuries on Rio Grande, and for that reason a few Brazilians were fighting in the ranks of Flores. The rest of the Brazilians in Uruguay and the whole Province of Rio Grande were seriously agitated. The Imperial Government clearly had to make an attempt to calm the storm:

The question did not consist of the justice or otherwise of the claims that cloaked the diplomatic expedient. For me the question was purely

⁸⁰*Memoria* (Argentina, 1865), Anexo E, pp. 27-9.

⁸¹Herrera to Thornton, Montevideo, June 10, 1864, *Documentos relativos á la pacificación de la república*, no. 4.

⁸²Thornton to Herrera, Montevideo, June 10, 1864, *ibid.*, no. 6.

and simply the following: "The Imperial Government needs our peace in order to maintain the peace of Rio Grande."⁸³

Elizalde, Saraiva and Thornton with Castellanos and Lamas left Montevideo on June 12 to find the camp of Flores. On their journey they found an ardent desire for peace widespread over the countryside suffering from drought and the exactions of both sides. Not until the afternoon of June 16 did Elizalde and Thornton, who had left their colleagues by agreement at Escudoro reach the camp of the *caudillo* at Monzon, 120 miles from Montevideo. The same day they arranged an armistice with Flores.

At 10 a. m. on June 19, hostilities were to be suspended, and were not to be renewed without previous notice, given in due form by the respective commanders forty-eight hours previous to their resumption.⁸⁴ Flores agreed to go a certain distance out to meet the other negotiators. These came up on June 18, and the famous Conference of Puntas del Rosario began without loss of time. The procedure adopted was for Saraiva and Thornton to obtain Flores' terms and Elizalde those of the Montevidean Commissioners. This done, the three mediators compared notes and then drew up a draft which they submitted to both parties.⁸⁵

The redoubtable *caudillo* was now himself convinced that he could not win decisively in the interminable struggle with the Blancos, for the very reasons Saraiva had already analyzed to his Government. With Flores tractable, and with the Montevidean Government represented by Andrés Lamas and Florentino Castellanos, who had the confidence of all parties except the "die-hards," the mediators could make rapid headway, and complete agreement was reached on June 18, 1864. Flores accepted unconditionally, Lamas and Castellanos *ad referendum*, the following terms:

(1) All Uruguayan citizens shall from this date enjoy the full exercise of their political and civil rights whatever may have been their previous opinions (2) Consequently the disbandment of the forces shall take place in the manner and form that the Executive Power resolves, acting

⁸³Lamas, *Tentativas para la pacificación*, p. 29.

⁸⁴*Memoria* (Argentina, 1865), Anexo E, pp. 31-3.

⁸⁵Thornton to Russell, Montevideo, June 26, 1864, F. O., 6.250, despatch no. 48.

in agreement with Brigadier General Don Venancio Flores as to the way of achieving this for the forces under his orders. (3) Recognition of the ranks conferred by Flores during the struggle which are within the appointment of the Executive Power and presentation of the rest by the Executive to the Senate for confirmation in accordance with the Constitution. (4) Recognition as part of the national debt of all the expenditures made by the forces of Flores up to the sum of 500,000 national pesos. (5) The sums collected by order of Flores in the form of taxes to be considered as paid into the National Treasury.⁸⁹

The mediators had gone beyond the terms of the Amnesty Decree of June 10, hence the doubt implied by the signature *ad referendum* of the Montevidean Commissioners. On the same date with the consent of the mediators and the agreement of Lamas and Castellanos, Flores addressed the following letter to President Aguirre:

Puntas del Rosario, June 18, 1864

Señor President,

I have for my part given the most definite proofs of my ardent desire for the pacification of our country by accepting the conditions that were presented to me by Their Excellencies, the Ministers of the Argentine Republic, Brazil, and England. I regard it as my duty to inform Your Excellency that I have agreed to these conditions because I am convinced that Your Excellency in your patriotism will understand that they will be sterile and give rise to fresh discords unless Your Excellency also accept the corollary that they need a guarantee of their faithful fulfilment. That guarantee is the organization of a ministry which, by following up the policy of peace which we are initiating, may quiet anxieties and prepare the way for that free organization of the public powers that ought to govern the country according to our Constitution.

It is in this belief and confidence, in which I have been strengthened by Their Excellencies the Ministers who have co-operated in the pacification of the country, that I have accepted in all patriotism these conditions on the understanding (*en el concepto*) of previously arranging this guarantee with Your Excellency. For this purpose I am ready to attend at the place and time Your Excellency may indicate to me. I remain, etc.

VENANCIO FLORES ⁹⁰

This letter, drawn up by Elizalde, was the key document to the settlement. The condition of a change of ministry from a party to a non-party basis was not embodied in the terms of the settlement signed by the members of the Conference at Puntas

⁸⁹*Memoria* (Argentina, 1865), Anexo E, pp. 33-4.

⁹⁰*Ibid.*, pp. 34-5.

del Rosario, in order to save the dignity of President Aguirre and to assist Lamas and Castellanos who had already exceeded their instructions.⁸⁸ The Ministers returned to Montevideo, which they reached on the morning of June 21, enthusiastic at the results of their labors. The same day Lamas and Castellanos submitted the signed arrangement to their Government and on June 22 Elizalde, Thornton and Saraiva presented the confidential letter of Flores to the President.

Aguirre laid the signed arrangement before his Ministers and subsequently summoned twelve or fourteen of the principal people of the city, supporters of the Government, to whose consideration it was also submitted. After a great deal of examination and discussion which caused the mediators much anxiety, the Government accepted the terms.⁸⁹

On June 23, Herrera wrote to the mediators to inform them that the Montevidean Government accepted the terms signed *ad referendum* by its representatives, and on the same day a governmental resolution thanking Lamas and Castellanos for their labors and agreeing to the bases of settlement was published.⁹⁰ A note of thanks was addressed to each of the mediators.

On June 25 the mediators wrote to Flores asking for an interview at which they might communicate the Government's acceptance of the agreement.⁹¹ Herrera in his letter of June 23 had asked for some trifling elucidations of the terms. He requested the mediators to use their influence with Flores to secure that the money to be allowed should be reduced to the lowest possible terms, and as few names as possible be submitted for the confirmation of military ranks.⁹² Flores replied on the same day indicating his new headquarters and stating he would await them there. The crisis seemed to have passed; in reality all was again in the balance. While awaiting the reply of Flores, Elizalde and

⁸⁸Elizalde to Mitre, confidential letter, Montevideo, June 21, 1864, *Memoria* (Argentina, 1865), Anexo E, pp. 35-37.

⁸⁹Thornton to Russell, Montevideo, June 26, 1864, F. O., 6250, despatch no. 48.

⁹⁰*Memoria* (Argentina, 1865), Anexo E, pp. 39-41, 52-53.

⁹¹*Ibid.*, p. 41.

⁹²Thornton to Russell, Montevideo, June 26, 1864, F. O., 6250, despatch no. 48.

Thornton, at the invitation of Saraiva, had occupied themselves in examining the Brazilian claims against the Montevidean Government and in suggesting to him a project for their arrangement.⁹³

The British mediator was in a mood of the most exultated optimism during these days of waiting. He wrote:

I cannot say that the time has been altogether wasted, for we have been able to inspire the principal people of Montevideo with peaceful ideas, and the change of their opinions has been so extraordinary, that I do not hesitate to express my belief that it will now be almost impossible that hostilities should continue.⁹⁴

In acknowledging Herrera's note of June 23 the mediators again took the opportunity of making clear that they were in no way committed by the discussions they had held with him on the subject of the difficulties of Argentina and Brazil with Uruguay. Elizalde, Saraiva and, with necessary modifications, Thornton, wrote:

The pacification of the Oriental Republic of the Uruguay is a fact so much the more fortunate in that it has created a new situation that allows of the speedy conclusion by way of worthy and friendly arrangements of the unfortunate crises that have rendered difficult the relations of the most sincere and cordial friendship that my Government desires to cultivate with that of the Republic.⁹⁵

The acceptance by President Aguirre of a change of government either to a non-partisan basis or to a constitution representative of both Colorados and Blancos was essential to the success of the whole negotiation. Flores had at first demanded as a guarantee his own appointment as Minister of War and Commander-in-Chief of the army. The mediators pointed out that they could not possibly recommend such a condition to the President; it simply spelt the triumph of the revolution, since his position as President would be completely neutralized. Flores had yielded to their pressure and contented himself with the formulation of the guarantee we have seen. It was a *sine qua non*.⁹⁶

⁹³Thornton to Russell, Montevideo, June 29, 1864, F. O., 6.250, despatch no 53.

⁹⁴*Ibid.*

⁹⁵Notes of June 25, 1864, *Documentos relativos á la pacificación de la república*, nos. 19-21.

⁹⁶Saraiva, confidential, July 25, 1864, *Correspondencia e documentos officiaes relativos á missão do conselheiro José Antonio Saraiva ao Rio da Prata*, p. 47, cited by Lobo, *Antes da guerra*, pp. 171-4, note.

All seemed to go well for a time; President Aguirre issued a proclamation to the army announcing the imminence of peace and the end of their labors; he called in person on the mediators and thanked them for their labors in the name of the Republic.⁹⁷ On June 30, Elizalde and Thornton proceeded to the camp of Flores to inform him of the comments made by Herrera on the terms of settlement. He made no difficulty over the limitation of the number of military ranks to be confirmed, said he would discuss the sum of money to be allotted to him for his expenses with the President and proposed an immediate conference with him.⁹⁸ The mediators then found that Colonel Pérez, the representative of the Montevidean Government, had come armed only with a decree regulating the disbandment of Flores' troops. Flores at once replied that no such arrangements could be made until he had met the President and concluded an agreement on the subject of his letter which was the *sine qua non* of pacification.

The mediators returned baffled on July 1, and on July 2 all three waited on President Aguirre. They urged upon him the absolute necessity of a change of ministry and the danger he was running, in having let the negotiations go so far, of laying himself open to the charge of bad faith, since he had been fully informed from the beginning of the essential condition laid down by Flores. They pointed out how essential it was for him to meet Flores and arrange the composition of a new ministry. Saraiva did not hide his indignation at the extraordinary vacillation of the President, who showed himself much embarrassed, feebly asserting that to change the ministry before the disarming of Flores would be a violation of the "principle of authority."⁹⁹ Saraiva pointed out acidly that "the principle of authority had been sacrificed on the day the Montevidean Government had consented to treat with the rebels on equal terms." In the course of the interview the President declared, to the great surprise of the mediators, that he had never considered a change of ministry an indispensable condition of the pacification and that he would

⁹⁷*Ibid.*, p. 49, cited by Lobo, *op. cit.*, pp. 176-77.

⁹⁸Thornton to Russell, Montevideo, July 5, 1864, F. O., 6250, despatch no. 54.

⁹⁹Saraiva to Brazilian Government, July 5, *Correspondencia*, cited by Lobo, *Antes da guerra*, pp. 180-83.

not be willing to consider such a change nor to see General Flores until the disarming and disbanding of the latter's forces were complete. He added, however, that immediately after the disarmament he would either resign himself or change his ministry. He concluded by saying that he would consult his friends on the subject.¹⁰⁰ What seems to have happened is that President Aguirre had lacked the courage to tell his supporters of the essential condition laid down by Flores, had allowed matters to drift and now felt constrained to take refuge in the lie that the change of ministry was a later demand.¹⁰¹

After their interview with Aguirre on July 2, the President wrote to Thornton that he could not accept "the pretensions of General Flores."¹⁰² On July 3, the mediators wrote a joint note to Flores informing him that President Aguirre had refused to agree to a conference with him to arrange for a change of ministry and that consequently the negotiation was concluded. They stated that there was a rumor that the ministry had resigned, but that they intended to sail for Buenos Aires on July 4. If negotiations were renewed they would let him know.¹⁰³ On receipt of this note on July 4, Flores informed General Moreno, who commanded the legal troops, that under the terms of the armistice he would resume hostilities at the end of forty-eight hours, i.e., on July 6.¹⁰⁴ In the meantime, charges and counter-charges of illegitimate troop movements and violations of the armistice had begun to fly about, and Herrera wrote a surprised and grieved note to Elizalde asking him what the denunciation of the armistice meant.¹⁰⁵ It was in this atmosphere of misunderstanding and suspicion that the mediators' last efforts were made. At the request of his colleagues, Thornton waited on President Aguirre on July 4 and had a long interview with him. He pointed out the seriousness of the situation and told

¹⁰⁰Thornton to Russell, Montevideo, July 5, 1864, F. O., 6,250, despatch no. 54.

¹⁰¹Thornton to Russell, Buenos Aires, July 8, 1864, F. O., 6,250, despatch no. 55.

¹⁰²*Memoria* . . . (Argentina, 1865), Anexo E, pp. 44-45.

¹⁰³*Ibid.*, p. 46.

¹⁰⁴*Ibid.*, pp. 57-8.

¹⁰⁵*Ibid.*, p. 56.

him that Elizalde and Saraiva were already making combinations for a joint intervention in Uruguay to suppress the domestic disturbances. The President said he already had the resignation of his present ministers, but was unwilling to accept it because such a step would be considered an humiliating condition imposed by Flores. Thornton told him that if he appointed certain men he named, of moderate opinions but not such as Flores would designate, the mediators would do their utmost to persuade Flores to accept them.¹⁰⁶

On July 5, Lamas and Castellanos came to say that Aguirre was ready to promise in writing confidentially that he would appoint a moderate ministry after the disarming of Flores. Saraiva at once replied that no confidence could be placed in the ability of Aguirre to carry out such a promise.¹⁰⁷ Lamas and Castellanos informed him that the real trouble was behind the scenes. The President was being intimidated by the "die-hard" Blanco group who were threatening him with a coup d'état if he ventured to dismiss the existing ministry. Saraiva then took a dramatic step. He declared that:

He was ready if the President chose to name a ministry composed of moderate men, with an engagement that they should not be removed until the elections were completed, to join the Argentine Government in lending material force to support such a Government, and that he was fully empowered by his Government to take such a step. Señor Elizalde said that he was convinced such a measure would be entirely in accordance with the views of his Government, and that he would obtain instructions as soon as possible. Señores Castellanos and Lamas thought that this declaration opened a way for the solution of the difficulty and consented to submit it at once to the President.¹⁰⁸

The same day Lamas and Castellanos returned and informed the mediators that the President "after due reflexion . . . had determined, in compliance with the desire of General Flores . . . and for the sake of ensuring the pacification of the country to accept the resignation of his ministers and to appoint others better adapted to the new state of things." They added that Aguirre was much fatigued and desired to have the next day to himself in

¹⁰⁶Thornton to Russell, Montevideo, July 5, 1864, F. O., 6250, despatch no. 54.

¹⁰⁷*Ibid.*

¹⁰⁸*Ibid.*

order to make arrangements, but that he would be glad to see the mediators on July 7 to discuss the matter with them and "decide upon such persons for the new ministers as would not be rejected by General Flores."¹⁰⁹ The situation appeared to be retrieved but once again the unexpected happened.

On the evening of July 6, a meeting was held of the more violent of the supporters of the Government who appointed a committee "to wait upon the President and to urge His Excellency not to yield to any coercion on the part of General Flores or the Foreign Agents with regard to a change of his cabinet." Aguirre again capitulated, and a list of proposed new ministers was drawn up "composed of men who are notorious for their violent opposition to the party headed by General Flores and have given their active support to the war carried on against him."¹¹⁰ Flores was informed that negotiations had been recommenced and signified his satisfaction and also the suspicions that the evasions and procrastinations of the Government caused him.¹¹¹ On July 7, the mediators waited on President Aguirre to hear his answer to Saraiva's offer of support if he would change his ministry. He announced that he would do so and read them the panel of the new Cabinet. To their amazement it consisted of Blanco chiefs even more extreme than the members of the existing Government—among others the heroic soldier, Leandro Gómez, one of the most uncompromising Blancos. The mediators pointed out that they had not asked for a mere change of men but of policy; that the existing Government might as well stay in office if their successors were to be even more extreme members of the same party. They then bluntly said that they had better indicate to the President the sort of men they wanted. They named Castellanos, Villalba, Andrés Lamas, Martínez, Herrera y Obes and others. Castellanos and Lamas they pointed out were well calculated to carry out the policy which under the instructions of their Government they had initiated. Aguirre pronounced

¹⁰⁹Thornton to Russell, Buenos Aires, July 8, 1864, F. O., 6.250, despatch no. 55.

¹¹⁰*Ibid.*

¹¹¹Flores to the mediators, July 7, 1864, *Memoria* (Argentina, 1865), Anexo E, pp. 68-9.

them "impossible." The mediators then declared their pacific mission at an end.¹¹²

In spite of the failure of efforts that at one moment had seemed certain to be crowned with success, Saraiva still had a second string to his bow. If the pacification of Uruguay was the first prerequisite of any adjustment of the Empire's relations with that Republic, the second was undoubtedly the countenance and co-operation of Argentina. His cordial reception of Elizalde's plan for a triple mediation and the harmonious diplomatic co-operation that followed had allayed Argentine suspicions of Brazilian intentions. Saraiva retired to Buenos Aires to follow up and consolidate this *rapprochement*. Thirty years later he was to claim that the conferences at Puntas del Rosario between the Argentine and Brazilian envoys and Flores were the veritable foundation of the Triple Alliance.¹¹³ Since pacific measures had failed, the next best course would have been joint Argentine-Brazilian intervention against that party in Uruguay that would not accept the terms of a just pacification. Saraiva bearing a letter of credence from the Emperor of Brazil arrived at Buenos Aires on July 10; on July 11 he had a conference with President Mitre at which Thornton and the members of the Argentine Cabinet were present. Saraiva urged that Brazil and Argentina should carry out a joint intervention in Uruguay for a limited time, oblige the combatants to lay down their arms, impartially preside at free elections and give their support to the Government which might result therefrom as long as necessary. In this view he had the support of Elizalde. Mitre, however, refused to accept a proposal which, as we have seen, had apparently commended itself to him in March. He pointed out that a direct intervention would bring with it a great deal of odium, would make one party dominant at Montevideo and "would to a certain extent render the intervening power responsible for any errors or excesses which might subsequently be committed by the Govern-

¹¹²Saraiva to the Brazilian Government, July 10, 1864, *Correspondencia*, cited in Lobo, *Antes da guerra*, pp 187-8. Palomeque, *Conferencias históricas*, p. 224; Thornton to Russell, Buenos Aires, July 8, 1864, F. O., 6.250, despatch no. 55.

¹¹³Saraiva to Joaquín Nabuco, December 1, 1894, Nabuco, *La guerra del Paraguay*, pp 46-7, note.

ment of the dominant party." He also let it be known that an intervention would involve expenses which his Government would hardly be justified in incurring.¹¹⁴ Mitre was resolved on maintaining his neutrality, which was imposed on him by the internal situation in Argentina. Facts might have converted General Urquiza to the realization that the Blancos were impossible, but nothing could induce his Entre Ríanos to co-operate with the hated Brazilians against their brothers in Uruguay. Clearly all that remained was for Brazil to take measures against the Blancos with the consent of the Argentine Government, and this Mitre was willing to give.¹¹⁵ Saraiva advised his Government to proceed slowly; even yet he did not despair of peace.

In view of Mitre's refusal of his proposal for a joint Argentine-Brazilian intervention, Saraiva in conversation with Thornton said:

The utmost he could recommend his Government to do would be to occupy the Northern States of the Republic of the Uruguay in which a number of Brazilian subjects are established, or station a Brazilian force on the northern frontier whence an expedition might be sent for the purpose of punishing any Uruguayan authorities who might be guilty of outrages upon Brazilian subjects.¹¹⁶

But the situation was daily getting more desperate. Of the Confidential Agent of President Aguirre, Señor Requena, Mitre bluntly enquired why Señor Antonio de las Carreras, one of the Montevidean *exaltés* and the prime mover in the hecatomb of Quinteros, had been sent on special mission to Paraguay at the same moment that an emissary was dispatched to treat of peace at Buenos Aires. He warned Aguirre that Argentina and Brazil would be guided by events.¹¹⁷

In the meantime the Imperial Government had been subjected to a continuous fire of criticism in the Congress. It had, however, vigorously defended the policy of Saraiva. The indefatigable envoy now seemed at the end of his resources and asked for in-

¹¹⁴Thornton to Russell, Buenos Aires, July 12, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 5.

¹¹⁵Lobo, *Antes da guerra*, pp. 22-5.

¹¹⁶Thornton to Russell, Buenos Aires, July 12, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 5.

¹¹⁷Saraiva, July 26, 1864, *Correspondencia*, p. 81, cited in Lobo, *Antes da guerra*, p. 228.

structions. On July 21, 1864, the Government instructed him, now that he had successfully convinced the Argentine Republic of the good intentions of Brazil, to return to Montevideo and present an ultimatum to the intransigent Government of President Aguirre. He was to announce that Brazil would take reprisals in the event of a refusal to accede to her just demands, but was instructed to leave the regular Brazilian Legation at Montevideo, since the employment of reprisals and coercive measures did not necessarily mean war.¹¹⁸ On the same day instructions were dispatched to the military forces on the frontier and to the Brazilian squadron in Uruguayan waters to hold themselves in readiness for instant action.¹¹⁹

On July 31, 1864, Signor Barbolani, the Italian Minister at Montevideo, arrived in Buenos Aires. He came to solicit another effort at mediation by Saraiva and Elizalde to effect a pacification in Uruguay. Once again Aguirre had boxed the compass. Barbolani, reported Thornton,

. . . informed us that he had been authorized and requested by Sr. Aguirre, President of the Republic of the Uruguay, to propose to General Flores that the pacification of that country should be carried out by the adoption of the conditions proposed by us and the nomination as sole Ministers of Sr. Castellanos and Sr. Villalba. In the conference which we had with Sr. Aguirre on the 7th ultimo . . . the above-mentioned gentlemen were the two with whose nomination, after suggesting several others to His Excellency, we at length stated that we would be contented and that we would do our utmost to induce General Flores to accept it, which I believe we should at that time have been able to effect. His Excellency, Sr. Aguirre, then positively refused to accede to what he has now authorized M. Barbolani to offer.¹²⁰

The Brazilian Commissioner declared it was too late. He had to carry out his instructions, and in any case he regarded it as only another of President Aguirre's intrigues. The one bright spot in the whole situation, wrote Saraiva, reporting this effort, was the cordiality of the relations he had succeeded in establishing with the Argentine Government.¹²¹

¹¹⁸*Relatorio*, 1865, Anexo I, pp. 43-4.

¹¹⁹*Ibid.*, pp. 44-6.

¹²⁰Thornton to Russell, Buenos Aires, August 11, 1864, F. O., 6.251, despatch no. 65.

¹²¹Saraiva to Brazilian Minister of Foreign Affairs, August 3, 1864, cited by Lobo, *Antes da guerra*, pp. 234-5. Thornton to Russell, Buenos Aires, August 11, 1864, *British and Foreign State Papers*, LXVI, p. 1187.

In the meantime Andrés Lamas had exerted supreme efforts to avert the catastrophe. Writing from Buenos Aires on August 1, through his friend Castellanos, he urged the President to anticipate Saraiva's ultimatum, of which he had prior knowledge, by dismissing the Blanco ministry and appointing moderates. In this way the new Government could neutralize the ultimatum by accepting the full terms of the June mediation, and so postpone the acceptance of the Brazilian terms until the country was pacified. Above all the ministry must inspire confidence. Without a change all was lost.¹²² This suggestion, like all his others, was rejected. In letter after letter the great Uruguayan analyzed with prophetic clarity the consequences of a final breach with Saraiva. If the Blanco Government lost Saraiva, they would have lost the thread of the Imperial policy in the Río de la Plata; Brazil would be fatally dragged by the masters of the Rio Grande into war with Uruguay. So long as they were in touch with Saraiva, who was working for peace, so long would there be hope that to the horrors of civil war there were not to be super-added the disasters of foreign war. Lamas saw clearly that the prime cause of the fearful aberrations of the Montevidean Government was the hope they reposed in the active assistance of Paraguay. Both Mitre and Lamas knew that Herrera wanted Paraguayan intervention, in other words, war. How was it possible to expect Mitre to follow his inclinations and to interpret the wishes of the vast majority of his countrymen by preventing the armed intervention of Brazil in the distracted Republic if the Government of Montevideo was deliberately invoking a war against Argentina? Since the rejection of the sincere effort to win peace for Uruguay at Puntas del Rosario, was it not obvious that Mitre had been forced into an alliance in fact, if not in form, with Brazil? With a Brazilian army on the frontier and a Brazilian fleet off the coast and Flores in the interior, how could President Aguirre imagine that Paraguayan aid, if forthcoming, would be in time? All these questions and more Andrés Lamas was feverishly penning in these last hours. They are desperate letters. In the disorder, repetitions and hasty scrawling of letters he had no time to copy¹²³ we read the agitation and passionate

¹²²Palomeque, *Conferencias históricas*, pp. 101, 225

¹²³*Ibid.*, pp. 108-9.

anxieties of this great and enlightened soul, who for so many years had posted over land and sea in search of peace, and who saw in the struggles of Blanco and Colorado nothing but the horror of a meaningless fratricide.

Saraiva returned to Montevideo from Buenos Aires on August 3, 1864. On August 4, he presented Herrera with an ultimatum. After a long review of the events of his mission couched occasionally in a sardonic vein, fully warranted by the facts, he concluded by summoning the Uruguayan Government to accede within six days to the terms of his note of May 18. Failing such acceptance,

The forces of the Brazilian army stationed on the frontier will receive orders to proceed to reprisals in the event of Brazilian subjects being subjected to violence, or menaced in life or security. It will be incumbent on the respective commandants to provide in the most convenient form the protection that they need. The Admiral Baron de Tamandaré will likewise receive instructions to protect in the same way with the forces of the squadron under his command the Brazilian consular agents and citizens injured by any authorities . . . The reprisals and measures to guarantee my fellow-citizens above indicated are not, as Your Excellency is aware, acts of war; and I hope that the Government of this Republic will avoid augmenting the gravity of those measures by precipitating regrettable events, the responsibility for which will rest exclusively on that Government. . . .¹²⁴

Thanks to Saraiva the reprisals were still contingent on the continuance of the acts of which Brazil complained. There was still time. But the Government of the Blancos was now a group of lost and desperate men. On the same day the cabinet of Montevideo, by an *acuerdo*, ordered the original of Saraiva's note to be returned to him.¹²⁵ The Uruguayan Government refused to retain such a document in the archives.¹²⁶

On August 9, 1864, Herrera replied to the note he had returned in a long and polemical note reiterating his previous answer to the Brazilian demands, and concluding by suggesting that the questions at issue be submitted to the arbitration of the Diplomatic Corps at Montevideo, who would pass upon the reasonableness and timeliness of the Imperial demands; in the event of the arbitrators finding them justified, they should indicate prac-

¹²⁴*Relatorio*, 1865, Anexo I, p. 51.

¹²⁵*Documentos diplomáticos, misión Saraiva*, p. 60.

¹²⁶*Ibid.*, p. 71.

tical means of satisfying them.¹²⁷ On August 10, Saraiva replied by the *tu quoque* of returning Herrera's note with the announcement that the necessary orders would be dispatched to the Brazilian naval and military commanders and that his special mission to Montevideo was at an end. The regular Brazilian Minister to Uruguay, Senhor Alves Loureiro, remained at his post, and Saraiva returned to Buenos Aires. Clearly everything hung on the way that Admiral Tamandaré and General Netto interpreted their instructions. It might have been anticipated that the admiral would behave like others of his kind when given authority essentially political.

In the meantime Saraiva concentrated on strengthening the Brazilian-Argentine entente. On August 22, a further step was taken by the signature by Saraiva and Elizalde of a Protocol defining their attitude towards the rapidly growing Uruguayan crisis. In it, in the name of the Brazilian and Argentine Governments, the signatories made three declarations in view of the fact that

... in fulfilment of existing treaties it is their duty and interest to maintain the independence, territorial integrity and sovereignty of the Republic of Uruguay. (1) They recognize that the peace of the Republic of Uruguay is the indispensable condition to the full and satisfactory solution of their international questions and difficulties with that Republic . . . (2) Both the Argentine Republic and the Empire of Brazil in the fullness of their sovereignty as independent states may in their relations with the Republic of Uruguay, equally sovereign and independent, proceed in cases of misunderstanding, as all nations proceed, by using those means of eliminating such misunderstandings which are recognized as legitimate by international law, with the sole limitation that, whatever be the result achieved by these means, the treaties which guarantee the independence, territorial integrity and sovereignty of this Republic shall be respected.

The final clause promises the reciprocal aid of Brazil and Argentine in each other's efforts to achieve a settlement of their questions with Uruguay.¹²⁸ Clearly the entente had now taken a definite form. Brazil was to have a free hand in overthrowing the Blanco régime.

Four days later the Uruguayan war-steamer, *Villa del Salto*, proceeding by order of Colonel Leandro Gómez, Commander of

¹²⁷*Ibid.*

¹²⁸*Memoria* . . . (Argentina, 1865), Anexo F, pp. 97-8.

Paysandú, to the reinforcement of the town of Mercedes, besieged by Flores, was overhauled by a Brazilian gunboat, which summoned her to heave to. On the *Villa del Salto's* ignoring the challenge, the Brazilians fired on her and drove her to take refuge at Concepción del Uruguay. As a result Flores captured Mercedes.¹²⁹

Immediately on receiving the news the Montevidean Government instructed Herrera to hand the Brazilian Minister his passports and request him to leave the country within twenty-four hours. This move was followed on September 3 by a resolution of the Montevidean Cabinet cancelling the *exequatur* of the Brazilian Consul, who at once left for Buenos Aires.¹³⁰

Confronted by this situation Saraiva did not hesitate. The Blanco Government had thrown down the challenge to Brazil, and he picked it up. Using his powers as plenipotentiary he dispatched orders on September 7, 1864, from Buenos Aires to the Governor of Rio Grande. They were drastic. Brazilian forces were to invade Uruguay and to expel the forces of the Montevidean Government from the key places of Cerro Largo, Paysandú and Salto; the land forces were to co-operate with the fleet against Paysandú and Salto; the Brazilian forces were on no account to attack the forces of Flores; on the occupation of any town, after the garrison was disarmed the place was to be handed over to new authorities appointed by Flores.¹³¹

Though no direct understanding had been reached with the revolutionary forces, Saraiva had committed the Empire to co-operation with Flores. He had been driven by the Blancos to accept the full programme of General Netto and the Rio Grande party. In the same days a final effort by the Italian Minister at Montevideo, Signor Ulisses Barbolani, to construct a compromise was shipwrecked on the intransigence of Flores, who now saw the way opening up before him to supreme power.¹³² In Montevideo

¹²⁹Lettsom to Russell, September 1, 1864, *British and Foreign State Papers*, LXVI, pp. 1189-90; Herrera to Alves Loureiro, August 30, 1864; *Relatorio*, 1865, Anexo I, pp. 84-5.

¹³⁰*Relatorio*, 1865, Anexo I, p. 90; Lettsom to Russell, September 4, 1864, *British and Foreign State Papers*, LXVI, p. 1189.

¹³¹*Relatorio*, 1865, Anexo I, pp. 92-3.

¹³²*Documentos oficiales, tentativa de pacificación interna por . . . S. E., R. U. Barbolani*

popular feeling rose against Brazil. The masses were convinced that the Empire was attacking the independence of the Republic. Mobs rushed through the streets crying "Down with the Empire!" The arms of Brazil were torn down from the consulates and insulted. Feelings rose in response throughout Brazil. The diplomats had thrown the reins to the soldiers and sailors. War was inevitable; and on September 14, 1864, the advance guards of the Imperial army crossed the frontier.

On the face of it Brazil seemed the aggressor, but the narrative of events shows clearly that the Imperial Government drifted rather than marched into war. An unanswerable indictment seemed to be founded on the time chosen by Brazil to present her demands when her little neighbor was convulsed by civil war. We have seen that, though sinister forces were at work, yet the Government of Zacharias de Góes e Vasconcellos did not choose the hour at which to strike; it yielded to pressure; it took a leap in the dark, little dreaming of the fearful complications that were to follow. Zacharias was later to assert in the Senate that he had not for a moment dreamed that Paraguay would act if Brazil enforced her claims on Uruguay.¹²³ Yet that factor had not escaped the vigilance of Saraiva, and the possibility of Argentine-Brazilian co-operation against Paraguay was discussed with Elizalde at Puntas del Rosario. The fact that the Zacharias Government plunged into the Uruguayan maelstrom without estimating the forces at work is a measure of its political lack of principle, though it yielded to a majority. It probably felt that Uruguay would give way, and that it would be worth the trouble to conciliate parliamentary support. Saraiva almost averted the catastrophe, and he certainly conciliated Argentina, but his experience was baffled by the incredible obstinacy of the Blanco Government. By a process of auto-suggestion that group of adventurers, as disaster had now made them, had come to fasten all their hopes on Paraguay. As we shall see, they were deceived, but there was nothing strange in their diplomacy turning in that direction. Their enemies were entrenched at Buenos Aires, and they profoundly distrusted Brazil. If they were going to face up to both their great neighbors, inevitably they must seek sup-

¹²³Session, August 4, 1866, cited in Lobo, *Antes da guerra*, p. 34.

port in the only region where they could find it. Thus Berro's "national policy of independence" was insensibly perverted into one of antagonism to Brazil and Buenos Aires and alliance with Paraguay and the dissident parts of Argentina. The Blanco politicians, in other words, were still playing the international party game.

Rather than see Brazil in Montevideo Mitre had attempted pacification. Elizalde improved the occasion, but the responsibility for the fiasco must be placed on the shoulders of the Blanco politicians, who were unwilling to give Flores any insurance against another Quinteros by placing the settlement on a non-partisan basis.

Yet once their own follies and weaknesses had driven the Blancos into war, the old appetites awoke in Brazil. They had of course their home in Rio Grande, but they showed elsewhere. Five days after the first Brazilian force had crossed the frontier the American Minister in Rio de Janeiro wrote to his Government to inform them of a recent circular to the Diplomatic Corps in which the Imperial Government had disclaimed any idea of conquest in the quarrel with Uruguay:

... Such (aim) is, and long has been, the ardent desire of Brazil. The Argentine Confederation, however, will never assent to any such arrangement, and what is far more important, neither England nor France would countenance the measure. I was not a little surprised, therefore, when a few days since I was visited by a gentleman connected with the government, who manifestly came for no other purpose than to enquire of me, what the Government of the United States would think of the conquest and annexation of Uruguay? I promptly replied, that under no circumstances would the United States acquiesce in the absorption of the territory of the little Republic of Uruguay by the Kingdom of Brazil, and the extension thereby of the area of human slavery. He replied that that objection had been duly considered; that he himself was an emancipationist; that if Brazil were permitted by the United States, England, and France, to annex Uruguay, Brazil would consent to hold it as a *free* Province; and adjoining as it does, the Province of Rio Grande, where slavery is not profitable, and which has been repeatedly in a state of Insurrection, it would ultimately insure the abolishment of slavery in that Province, and thus become the entering wedge for general emancipation throughout Brazil. Of course I gave no encouragement to any such idea as the conquest of Uruguay²²⁴

²²⁴J. Watson Webb to Seward, Petropolis, September 19, 1864, State Department MSS, Brazil Diplomatic, 30, no. 92.

Such speculations, however, were to be forever silenced by the great storm that, beginning with the "coercive measures" of Argentina and continued by the "reprisals" of Brazil against their small neighbor, was to sweep for half a decade across the lands of the Río de la Plata in a drama of war and revolution, of blood and tears, from Montevideo to the ultimate fastnesses of Cerro Cora.

CHAPTER VI

BLANCO DIPLOMACY IN PARAGUAY

In order to understand the development of Paraguayan policy before the outbreak of war with Brazil and Argentina, the influences brought to bear on Francisco Solano López must, if possible, be analyzed. The available sources of information are with one exception fragmentary and scattered. We know that not the least important influence active in drawing Paraguay to intervene in the affairs of the Río de la Plata was that of the Blanco politicians of Montevideo, who subordinated the national interests of Uruguay to the exigencies of their party warfare against the proscribed Colorados and their allies of Buenos Aires and Río de Janeiro. One of the most active of the Blanco chiefs between 1862 and 1865 was Dr. Juan José de Herrera, who was also Foreign Minister of Uruguay during 1863 and 1864. In the appendices to a three-volume work his son has published his confidential dispatches and the reports he received relating to Blanco political activities in Paraguay during these critical years.¹ The published collection is a veritable mine of invaluable documents with the aid of which we can in part reconstruct the nature of the influences brought to bear on the ambitious master of Paraguayan destinies.

There was not lacking a precedent for the Uruguayan overtures. On April 24, 1854, Magariños, Foreign Minister at Montevideo, wrote to José Falcón, Paraguayan Foreign Minister *ad interim*, to announce that he had nominated Dr. Estanislao Vega as Confidential Agent at Asunción. The two objects of his mission would be to secure an offensive and defensive alliance of the two powers for the maintenance of their independence and to solicit permission to translate the remains of the Uruguayan patriot Artigas to Montevideo. Evidently Dr. Vega was unsuccessful for, after a long delay, Falcón replied on February 2, 1855, by refusing to consider the proposed alliance in view of existing circumstances which were widely different from those

¹Herrera, *La diplomacia oriental en el Paraguay*

of October, 1851, and the coalition against Rosas, but granting permission to convey the bones of Artigas to his native soil. The reply, of course, reflects the policy of Carlos Antonio López after 1850. He had had enough of alliances. But the overture reveals that the Paraguayan alliance was considered a prize worth angling for by the desperate factions of the Río de la Plata.²

Blanco activities began early—even before the death of President Carlos Antonio López. On September 17, 1861, was fought the "crowning mercy" of Pavón, by which Buenos Aires, under the leadership of Bartolomé Mitre, became mistress of the Argentine Confederation, which the heirs of the Unitarians now transformed into the Argentine Republic. As we have seen, the Blancos under the direction of President Bernardo P. Berro took no direct part in the startling campaign that led to the fall of their Federal allies. President Berro announced a new "national" policy of abstention from interference in the affairs of Uruguay's neighbors. Quite possibly this departure was dictated by overconfidence in the success of Urquiza against the dauntless and indefatigable city. Certain it is that Pavón and its consequences seriously alarmed the politicians of Montevideo, who were, to the new masters of power in Argentina, "the assassins of Quinteros" rather than the Government of Uruguay.

On February 25, 1862, Dr. Juan José de Herrera received his instructions for his special mission to Asunción from Enrique de Arrascaeta, Uruguayan Minister of Foreign Affairs.

He was directed to call the attention of the Paraguayan Government to the common danger threatening America due to the revolutionary conditions from which the greater part of the republics which constitute it were unable to extricate themselves. He was to point out the real danger that threatened neighboring states through the predominance in Argentina of politicians who entertained designs of absorbing their weaker neighbors. Brazil, too, would probably take a hand in their plans if she saw the chance of securing some more territory. He was to inform the Paraguayan Government that the Uruguayan Government had learned on good authority that one of the objects, perhaps the principal, of the mission of Señor Seoane, Peruvian Minister in

²"El semanario," March 22, 1855; Consul Henderson to Clarendon, Asunción, March 28, 1855, F. O., 59 12, despatch no. 4.

Buenos Aires, was to negotiate the partition of Bolivia between Argentina and Peru. He was also to work for closer economic relations between Paraguay and Uruguay by arranging for direct passage of trade between Asunción and Montevideo instead of via Buenos Aires.³

In his first interview with President Carlos Antonio López they discussed in a general way a great variety of subjects. Herrera was on the whole favorably impressed by the President's reactions to the suggestions that he cautiously insinuated during their conversation.

He found Carlos Antonio López much alarmed at the recent cession of Santo Domingo and at European intervention in Mexico. He also did not disguise his hatred and suspicion of the Brazilians, whom he consistently referred to as "macacos," and of the masters of Buenos Aires, the "anarchists." Paraguay was in a difficult position; "on the one side the most incorrigible anarchists and on the other the 'macacos' ever treacherous and full of duplicity."⁴ He reproached President Berro because of his recent message to the Uruguayan Congress expressing confidence in the honesty and good intentions of General Mitre, but was mollified to hear from Herrera that the message was intended to compromise Mitre with the Uruguayan *émigrés* and was "nothing more than a stroke of policy more or less sincere."⁵ On April 4, 1862, Herrera reported that López was favorable to the idea of a commercial treaty which would substitute Montevideo for Buenos Aires as the Paraguayan market, but feared the possible reprisals of the "anarchists."⁶ On the whole the mission of reconnaissance revealed to Herrera that Paraguay was a possibility from the Blanco point of view. Her relations with Brazil were dangerously strained largely owing to the disputed frontier.⁷ In any case, in view of the long tradition of isolation, Paraguay would be difficult to guide into a new and active policy.⁸

³Herrera, *La diplomacia oriental en el Paraguay*, I, 379-82.

⁴Herrera to Minister of Foreign Affairs, Asunción, March 16, 1862, *ibid.*, p. 396.

⁵*Ibid.*, p. 403.

⁶*Ibid.*, pp. 428-29.

⁷Herrera to Foreign Minister, Asunción, May 23, 1862, *ibid.*, pp. 465-66.

⁸Herrera to Foreign Minister, Asunción, April 15, 1862, *ibid.*, p. 435.

On March 3, 1863, Juan José de Herrera, now Foreign Minister of Uruguay, addressed a long dispatch to Dr. Octavio Lapido containing his instructions for the mission he was about to undertake to Paraguay.⁹ He pointed out the similarity of the political positions of the two countries, both alike menaced by two restless and unscrupulous neighbors. The independence of each had only just escaped from the menace of Brazil and Argentina.¹⁰ The danger was common, and in common should be the efforts made to meet it.¹¹ The policy of Paraguay and Uruguay should be "directed to the establishment of a balance of power . . . the system of a balance of power preserves peace because it inspires the fear of war." A co-operation that showed the world that the two Republics were acting together was necessary, and perhaps such a policy would end in bringing within its orbit both Brazil and Argentina in a pact of mutual guarantee.¹² If Paraguay and Uruguay co-operated, they might be able to play a great part in the future of the Río de la Plata, and perhaps some of the states of the Argentine Confederation itself would join them.¹³ Even if Paraguayan traditions prevented the immediate realization of an alliance, yet preliminary work towards ultimate co-operation should be undertaken, if the two Republics did not want events to overtake them. For instance, if Brazil and Buenos Aires, or both in alliance, should make an attack upon either Paraguay or Uruguay, what would be the attitude of the other? Uruguay would regard such an attack on Paraguay as a *casus belli*; would Paraguay do the same if such an eventuality were to overtake Uruguay?¹⁴ The two powers would injure their future and be unworthy of their present if they did not aspire to exercise an influence on their part of the world, especially as the designs of their two neighbors on their integrity and independence would remain "so long as the hand of God does not modify physical geography."¹⁵ In spite of

⁹*Ibid.*, II, pp. 380-421.

¹⁰*Ibid.*, p. 382.

¹¹*Ibid.*, p. 389.

¹²*Ibid.*, pp. 390-91.

¹³*Ibid.*, p. 395.

¹⁴*Ibid.*, pp. 397-8.

¹⁵*Ibid.*, p. 403.

Mitre's policy of conciliation towards the Argentine provinces, he feared that the proud intolerance of Buenos Aires would provoke another explosion. Rosas at least kept order, while Buenos Aires was spreading the disorder of demagoguery. Lapido would know, since he had recently been in Argentina, what "a focus of conspiracy in these regions" Buenos Aires was.¹⁶ He reported that the Buenos Aires Government, recently replying to the Peruvian proposal for a continental pact of mutual guarantee, had declared that the goal of Argentine policy was "the reconstruction of its ancient power by the reincorporation of the territories senselessly disjoined and now forming independent nations."¹⁷

Herrera then plunged into the most critical and definite part of his dispatch. In view of the uncertain conditions in Argentina, where the predominance of Buenos Aires was precarious, he suggested that Paraguay and Uruguay should determine their attitudes on the following possible developments of the near future. (1) If Entre Ríos and Corrientes should separate from the Argentine Republic and take up the position Buenos Aires had assumed before her recent reincorporation in the Republic; (2) if Entre Ríos and Corrientes should form an independent Republic; (3) if Entre Ríos and Corrientes should join Paraguay; (4) if Entre Ríos and Corrientes should join Uruguay; (5) if Entre Ríos, Corrientes, Uruguay, and Paraguay should combine to form a new state. But "some pusillanimous spirit who takes no account of the future may refuse to touch these grave hypotheses," in which case the least that can be done by the two powers is to determine in advance their attitude; (6) if Entre Ríos and Corrientes after constituting themselves into an independent nation should seek, as they incline to do, the defensive alliance of Paraguay and Uruguay; (7) if things remain as they are and a defensive alliance between Paraguay and Uruguay should be proposed, accompanied by secret agreements with Corrientes and Entre Ríos with a view to one of the hypotheses already suggested.¹⁸ In conclusion Herrera drew attention to the fortification of Martín García Island by the Argentine Govern-

¹⁶*Ibid.*, p. 408.

¹⁷*Ibid.*, p. 409.

¹⁸*Ibid.*, pp. 409-10.

ment and asserted that Paraguay and Uruguay should co-operate in removing this menace to the free navigation of the Río de la Plata and securing its complete neutralization.¹⁹ This dispatch clearly demonstrates that more than a month before Flores and his companions had sailed from Buenos Aires the Blanco Government had initiated a negotiation directed against the peace of Argentina. The representations of Andrés Lamas to Elizalde on the activities of Flores had produced no result but smooth reassurances, and the Blancos were looking for allies. The dispatch is the measure of their recklessness. In addition the accession to power of the new President of Paraguay presented an admirable opportunity of following up the preliminary survey of 1862.

Lapido arrived in Asunción on July 9, and presented his credentials to López on July 13, 1863. He was most cordially received and gained the impression that the President attached great importance to the negotiations.²⁰ On July 18, he asked Berges verbally whether, if Argentina declared war on Uruguay or continued her policy of unjust hostility towards her, Paraguay would be disposed to co-operate in her defense. At the same time he proposed an offensive and defensive alliance. To the latter proposal Berges replied that Paraguay did not need such an alliance being strong enough to resist attack.²¹ Berges promised an early answer.²² In the meantime all the Ministers called on Lapido to express their cordial wishes for closer relations with Uruguay, and the President informed him that the events in Uruguay had occupied his attention for some time. López expressed himself as indignant at the conduct of Argentina and as much preoccupied as Uruguay with "that policy of reconstruction" inaugurated by Mitre. He enjoined the most complete reserve on Lapido, since what was under discussion was the abandonment of the policy of isolation traditional with Paraguay.²³

¹⁹*Ibid.*, pp 419-20.

²⁰Lapido to Herrera, Asunción, July 9, 1863, *ibid.*, p. 439.

²¹Berges to Vazquez Sagastume, Asunción, August 30, 1864, enclosure in Thornton to Russell, Asunción, September 5, 1864; *Correspondence Respecting Hostilities in the River Plate*; part I, enclosure 2 in no. 17.

²²Herrera, *La diplomacia oriental*, II, 441.

²³Lapido to Herrera, Asunción, July 20, 1863, *ibid.*, p. 445. (Confidential).

On July 20, 1863, Berges cautiously answered Lapido's question. López stated that not yet knowing the attitude of the Argentine Government to the projected settlement of the *Salto* case he could not give a definite answer. Only with further information would he know whether to ask the Argentine Government for explanations, or to protest, or to offer his mediation, or to proceed further according to circumstances.²⁴ At that very moment General Mitre was protesting to the Paraguayan Government of his resolution to maintain the strictest neutrality in the affairs of Uruguay, and until Paraguay had a perfect proof of his disloyalty she could take no steps. Paraguay was not trying to avoid the issue or evade assuming a definite position. If the fears Lapido had expressed were verified, Paraguay would assume it at once.²⁵ Lapido's strong impression from his conversations with the President and his Ministers, especially with the War Minister, Colonel López, was that a war declared on Uruguay by Argentina would be regarded as a *casus belli* by Paraguay.²⁶ About this time apparently, undeterred by the refusal he had received and the caution evinced in the written communications of the Paraguayan Government, Lapido took the further step of presenting a draft project of a treaty of offensive and defensive alliance between Paraguay and Uruguay. Article II of the draft pledged both states to a mutual guarantee of territorial integrity and independence. Article IV deserves quotation in full:

The High Contracting Parties considering that the Island of Martín García might from its situation be used to hinder or interrupt the free navigation of the affluents of the Plata, in which all the riparian states are especially interested, the Oriental Republic of the Uruguay pledges itself, once in possession of the said Island, which it considers an integral part of its territory, not to make any use of it which could hinder or check that free navigation and to co-operate for the same object, and in joint guarantee, with the Government of the Republic of Paraguay, in order that that of the Province of Buenos Aires, which at the moment is in actual possession of it, shall not convert it into a fortress or military post.

²⁴*Ibid.*, p. 453.

²⁵*Ibid.*, p. 454.

²⁶*Ibid.*, pp. 455, 445-6.

The remaining articles are of slight importance. To have acceded to this project would have been equivalent to declaring war on Argentina. In order to elucidate the full significance of Dr. Lapido's proposals the Paraguayan Foreign Minister addressed a careful questionnaire to him on each article of the draft to which he does not seem to have replied.²⁷ The reference to the Province of Buenos Aires in the draft implies that Lapido envisaged the disruption of the Argentine Republic by a foreign, aided by a civil war.

A few days later Herrera wrote that the *Salto* incident had been closed, but that such crises would recur so long as Paraguay and Uruguay had not found a firm common foreign policy.²⁸ The settlement of the *Salto* incident and the imminence of elections in Uruguay that would produce a new President and Legislature made López hold off for a time. Lapido then preferred to hurry on the conclusion *ad referendum* of a treaty of friendship, commerce and navigation to contain a statement of the interest of each party in the independence and territorial integrity of the other, leaving to the future the determination of the cases in which this implied co-operation should become effective.²⁹ The caution of López may have been due to the distrust aroused in him by the news that Uruguay was negotiating an alliance with Brazil and was arranging with Urquiza for a *pronunciamiento* against Buenos Aires in Entre Ríos.³⁰ He was also deeply suspicious of Andrés Lamas and anxious to know if the great Uruguayan was going to stand for the presidency and was aware of what the Uruguayan delegation in Asunción was doing.³¹

On August 17, 1863, Herrera forwarded to Lapido the collection of documents printed on the *Villa del Salto* episode. He

²⁷Berges to Vazquez Sagastume, Asunción, August 30, 1864, enclosure in F. O., 6.251, despatch no. 72, *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17.

²⁸Herrera to Lapido, Montevideo, July 29, 1863, Herrera, *La diplomacia oriental*, II, p. 449.

²⁹Lapido to Herrera, Asunción, August 5, 1863, *ibid.*, pp. 457-8.

³⁰Berges to Egusquiza, Asunción, August 6, 1863. Rebaudi, *La declaración de guerra*, p. 87.

³¹Lapido to Herrera, Asunción, August 6, 1863 (confidential); Herrera, *La diplomacia oriental*, II, p. 462.

was instructed to bring them to the notice of the Paraguayan Government, since they seemed to indicate designs harbored by Argentina on the independence of Uruguay:

Is Paraguay interested or not in preventing the Argentine Government from developing plans of usurpation? If she is, she ought not to shrink from an alliance to oppose them before they gather momentum and grow Is Paraguay, interested in the highest degree, willing to remain silent, to keep her diplomacy and her power inactive, and not to take up the position by which she can and should count in the destinies of this part of the South American continent ?

Will she not send a diplomat to Buenos Aires to make that position clear? Will she not order her squadron to the waters of the Plata in order that the word of one interested in the first degree may be listened to as it should be?³²

Towards the end of August Berghes invited Lapido to submit in writing the proposals he had so far made verbally. He did so and in a memorandum advocated an alliance for mutual guarantee between Paraguay and Uruguay. The idea of closer commercial relations between the two countries was strictly subordinate to the ultimate political objective.³³ In reply to Berghes' question as to what means he considered best for Paraguay to adopt in order to cause the Argentine Government to listen to her representations on behalf of Uruguay, Lapido replied that he thought a note requesting explanations, or a protest to the Argentine Government against its policy of affording protection to Flores, would be sufficient.³⁴ At the end of the month he reported a long conversation with López. The President informed him that he had been in correspondence with General Urquiza trying to make him abandon his doubtfully neutral position. Mitre, aware of the danger of a *pronunciamiento* in Entre Ríos, had countered by offering his support to Urquiza to secure his being re-elected Governor.³⁵ Lapido gathered from his conversation that López was meditating something, forming some resolu-

³²*Ibid.*, pp. 466-7.

³³Lapido to Herrera, Asunción, August 20, 1863, *ibid.*, pp. 468-9.

³⁴Berghes to Vazquez Sagastume, Asunción, August 30, 1864; *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17.

³⁵Lapido to Herrera, Asunción, August 27, 1863 (very confidential), Herrera, *La diplomacia oriental*, II, p. 473.

tion. He suggested that a personal letter from President Berro to López would have a good effect. He concluded by asking to be kept closely informed of the progress of events, as López always knew more than he did through the agents who kept him in touch with the least movement. López had come to interpret Lapido's lack of information as due to want of candor towards him on the part of the Uruguayan Government.³⁶ In a few days Lapido wrote again to say that he was sending the Secretary of Legation, Brito del Pino, with news which could not be better.³⁷ He referred to the fateful decision of López to address a demand for explanations to the Argentine Government on its policy towards Uruguay and to accompany the note with copies of the Uruguayan Government's notes complaining of the active co-operation of Argentina with Flores. As we shall see, by the note of September 6, 1863, López inaugurated that abandonment of the policy of isolation that was rapidly to draw Paraguay into the cockpit of the Río de la Plata.

A few days earlier Herrera had taken another step into the quicksand.³⁸ Acknowledging Lapido's report enclosing the draft treaty which he had presented to the Paraguayan Government, he urged him to hasten the conclusion of the pact. He was to work to have a clause inserted defining an attack on integrity and independence as action by "a foreign nation acting alone or in alliance with or in aid of an interior revolution, with a view to changing the form of government or hindering its exercise."³⁹

In a separate "most confidential" letter to Lapido of the same date Herrera came to grips with the "practical measures" on which he was never tired of insisting. He was convinced that Buenos Aires desired to injure the independence of Uruguay, but he had hopes of European intervention and thought even Brazil might take active part against Argentina.⁴⁰ Accordingly Uruguay invited Paraguay to co-operate with her, since both powers recognized that their interests could not permit Buenos Aires to dominate the Río de la Plata absolutely. Uruguay was

³⁶*Ibid.*, p. 474.

³⁷Lapido to Herrera, Asunción, September 6, 1863, *ibid.*, p. 475.

³⁸Herrera to Lapido, Montevideo, August 31, 1863; *ibid.*, pp. 424-32.

³⁹*Ibid.*, p. 431.

⁴⁰*Ibid.*, p. 435.

ready to resist Argentina if necessary by force of arms. Accordingly he proposed the immediate seizure by Uruguayan naval and military forces of the Island of Martín García and the capture of the Argentine squadron stationed there. Entre Ríos and Corrientes, with whom Uruguay already had an understanding, would at once declare in favor of an offensive and defensive league with Paraguay and Uruguay and put into operation measures they were already preparing with the necessary secrecy. The Paraguayan squadron and a landing force of five hundred men would be sufficient in conjunction with the Uruguayans to seize the Island which would be immediately proclaimed neutral.⁴¹ Action taken at once would precipitate favorable action on the left bank of the Paraná and by isolating Buenos Aires leave the allies masters of the situation. He concluded by asserting that if Paraguay did not help, Uruguay would go to the conflict alone. If she were conquered it would be the turn of others later.⁴²

On September 22, 1863, Herrera acknowledged Lapido's dispatch announcing Paraguay's note to Argentina and her determination to forward copies of the Uruguayan dispatches. Lapido had persuaded Berges to delay the note because he was fearful of the reaction of Mitre to the revelation of Blanco diplomacy in Paraguay. A misunderstanding between him and López developed, and the Paraguayan note and the copies of the compromising dispatches were sent to Buenos Aires before Herrera's views could reach Asunción.⁴³ Herrera expressed himself as satisfied with the progress thus far made in Paraguay, Entre Ríos and Corrientes. The goal of his policy was the segregation of the territories east of the Paraná from contact with the demagoguery of Buenos Aires.⁴⁴ The note of September 6 might well have been stronger, but to forward copies of the Uruguayan dispatches would seriously compromise the Montevidean Government. If Paraguay decided to do so, Uruguay had no ob-

⁴¹*Ibid.*, p. 436.

⁴²*Ibid.*, p. 437.

⁴³Berges to Vazquez Sagastume, Asunción, August 30, 1864; *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17, p. 28.

⁴⁴Herrera to Lapido, Montevideo, September 22, 1863; Herrera, *La diplomacia oriental*, II, p. 476.

jection if her collaborator were prepared for war. Otherwise it would be better to send a note asking for explanations without, however, precipitating a crisis by sending the copies.⁴⁵ The danger was that Buenos Aires might strike first and before the projected coalition had time to act. For this reason if Paraguay sent the note of September 6, and the copies, it was vital that simultaneously the Paraguayan squadron should be sent to seize Martín García. Otherwise Buenos Aires might gain time by a friendly gesture to Paraguay while redoubling her efforts against Montevideo now that she had documentary proof of Blanco activities.⁴⁶

In Herrera's opinion there were three possible paths to their goal: (1) the revolt of Entre Ríos; (2) a war of defense precipitated by Uruguay; (3) a military initiative by Paraguay. Entre Ríos was dangerously exposed to attack by Buenos Aires. It could not move unless its flank were protected. Hence the military necessity of a *coup de main* on Martín García. The relations the Uruguayan Government had maintained with Entre Ríos had led the former to believe that only the fear of being left in the lurch prevented the great Province from rising. Similarly Uruguay, racked as she was by civil war, was afraid to act against Buenos Aires without the assurance of help from Paraguay.⁴⁷ Once Paraguay got into action, Uruguay and Entre Ríos would follow. The initiative rested with the power immediately the strongest who could secure results at once.⁴⁸ All things considered, the situation could not be more propitious. The favorable elements were (1) the new convulsion in the interior of Argentina; (2) the death of Sandes, the principal *caudillo* on whom Buenos Aires relied to keep down the rest; (3) the recent defeat of Flores by Montevidean troops; (4) the odium into which the Mitre Government had fallen with the European powers owing to its subversive activities; (5) the attitude Brazil was beginning to assume towards Argentina. On September 21, 1863, Senhor Loureiro, charged with a special mission from

⁴⁵*Ibid.*, p. 480.

⁴⁶*Ibid.*, pp. 478-9.

⁴⁷*Ibid.*, p. 481.

⁴⁸*Ibid.*, p. 482.

Brazil to Argentina, had arrived at Montevideo on a battleship and had interviewed Herrera. The Brazilian Minister informed Herrera that he was authorized to make clear to the Argentine Government all the disapproval felt by Brazil for the veiled co-operation of Mitre's Government with the Flores revolution. Brazil was resolved to keep her international engagements and to maintain the independence of Uruguay.⁴⁹

In the meantime López had acted, and Herrera wrote to express his astonishment that Paraguay could have sent to Buenos Aires copies of the Uruguayan notes without apparently expecting the crisis Lapidó had warned Berges would be the inevitable result. Uruguay had declined all responsibility for the action, but the peril was growing.⁵⁰

The temporary lull in the storm due to the Lamas-Elizalde Protocol followed, and Paraguay cautiously advanced another step by ordering its war-steamer *Tacuarí* to Montevideo.⁵¹ In the meantime Lapidó's relations with López became more and more strained. The Paraguayan Government simply did not know the meaning of co-operation. Having brusquely inaugurated a policy of demanding "explanations" of Mitre, it went ahead entirely ignoring the opinion of its informal ally. Lapidó complained that he was left in ignorance of his Government's policy. In a personal letter to Herrera he deplored the recent turn in the tide of the civil war and the unexpected victories of Flores and shrewdly expressed his opinion of the charges the Blancos were bringing against Mitre:

The truth is that up to the present the help Flores has received from Argentine territory has been *miserable*—we ourselves, and nobody but ourselves, are responsible for the growing power of Flores.⁵²

Herrera shortly afterwards summarized the fiasco of the Lapidó mission. The relations between Argentina and Uruguay were getting worse chiefly as a result of the extraordinary action of the Paraguayan Government in forwarding the Uruguayan confidential dispatches to Mitre, who had replied by a circular to the Diplomatic Corps at Buenos Aires protesting against Uru-

⁴⁹*Ibid.*, pp. 482-3.

⁵⁰Herrera to Lapidó, Montevideo, October 1, 1863, *ibid.*, p. 484.

⁵¹Herrera to Lapidó, Montevideo, November 3, 1863, *ibid.*, pp. 495-6.

⁵²Lapidó to Herrera, Asunción, November 6, 1863, *ibid.*, pp. 494-5.

guayan intrigues. At the same time Mitre had demanded that the Uruguayan Government withdraw its charges contained in its dispatches to Paraguay. The Blanco Government did not intend to retract, so Uruguay found herself on the verge of war with Argentina, with her internal situation no better and with Paraguay still unprepared to co-operate practically.⁵³

López in the meantime had circulated the Diplomatic Corps at Asunción on November 6, 1863, to the effect that Paraguay regarded the "perfect and absolute independence" of Uruguay a condition of the political balance of power of the states of the Río de la Plata, and that she would exert all her influence to end the serious situation that had arisen.⁵⁴ Such was the position when Lapido left Asunción. By the same boat on which he left Berges wrote to his Confidential Agent at Buenos Aires:

By the last packet but one the Uruguayan Government announced officially that it had ordered its Minister at Buenos Aires, Señor Lamas, to present strong protests to the Argentine Government against the protection afforded to the revolution headed by General Flores, but the *Ygurey* has brought us the news, also official, of the negotiation of a settlement that adjusts the differences pending between the Argentine and Uruguayan Governments. Apart from the desire we nourish of seeing peace and friendship re-established between two sister and neighbor republics, the slight character and absence of substance that mark the resolutions and official acts of the Uruguayan Cabinet are obvious. When a government pursues so timid and vacillating a policy, it is dangerous to treat with it⁵⁵

Herrera had already otherwise defined the differences in the points of view of Asunción and Montevideo. There was a choice of means; diplomacy and peace or a joint expedition and war. He wrote:

For the present and since the Government of Paraguay does not think the opportune moment has arrived, as the Uruguayan Government thinks, to justify armed conflict, the latter has reverted to the first policy, which is also the one of its predilection whenever it is worthily possible and effective.⁵⁶

⁵³Herrera to Lapido, Montevideo, November 15, 1863, *ibid.*, pp. 500-1.

⁵⁴Lapido to Herrera, Asunción, November 6, 1863 (Private), Herrera, *op. cit.*, p. 492.

⁵⁵Berges to Egusquiza, Asunción, November 21, 1863, Rebaudi, *La declaración de guerra*, pp. 92-3.

⁵⁶Herrera to Lapido, October 31, 1863, Herrera, *op. cit.*, p. 488.

It clearly emerges that Herrera wanted war and that Paraguay was not yet ready for an adventure.

Then followed the refusal of Mitre to accept López as joint arbitrator with the Emperor of the differences between Argentina and Uruguay under the Lamas-Elizalde Protocol of October 20. On November 12, 1863, the Uruguayan Government informed the Paraguayan that it was making a stipulation, before accepting the Protocol of October 20, that Paraguay should participate. On November 19, Berges thanked Lapido for this information. On November 21, Lapido left Asunción to return to Montevideo and while en route sent back Brito del Pino with the news of another attempted aggression from Buenos Aires under the command of Colonels Rebollo and Conde, and with copies of the correspondence of Andrés Lamas with Herrera on the subject of the Protocol. On December 6 Berges replied by thanking the Uruguayan Government for nominating López but informing it that in view of the Argentine Government's opposition he desired to stand aside so as not to hinder direct agreement between Uruguay and Argentina. The Paraguayan

requested the Oriental Government to desist from requesting to have His Excellency accepted as an arbiter in company with His Majesty the Emperor of Brazil, much more so when neither the national honor nor the delicacy of feeling of His Excellency could make such an arbitration acceptable in view of the fact that the Argentine Government had considered it necessary to decline, under a trifling pretext, to accept His Excellency the President at the first suggestion of the Uruguayan Government.⁶⁷

The last thing Paraguay desired was to stand in the way of a peaceful settlement. "It is very natural that they should talk like this," wrote the Uruguayan Chargé in Asunción, "however much they feel, and however much they desire the contrary."⁶⁸

During December, 1863, there was a direct exchange of notes between Herrera and Berges, while López was becoming more and more enraged at the silent refusal of Mitre to give the "explanations" he was so imperiously demanding. On January 13,

⁶⁷Berges to Vazquez Sagastume, Asunción, August 30, 1864, enclosure in F. O., 6251, despatch no. 72; *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17, p. 30.

⁶⁸Bruto del Pino to Herrera, Asunción, December 5, 1863; Herrera, *La diplomacia oriental*, III, p. 347.

1864, Herrera wrote to Berges that it was more than ever necessary to devise practical measures to resist the slow unfolding of Argentine designs.⁵⁹ He asked what position the Paraguayan Government had resolved to assume and promised to second any action it might take. Berges replied that in view of the absence of a head of the Uruguayan Legation, the distance that separated the two Governments made it impossible to concert common measures!⁶⁰ On the same day the Uruguayan Chargé in Asunción reported the grave decision López had reached in ordering the war-steamer *Tacuarí* to Buenos Aires with yet another note from Berges asking for explanations:

It is definitely decided to invade Corrientes if the *Tacuarí* does not bring an answer to the Paraguayan note, or brings an inadequate or evasive one.

I again urge secrecy on everything I have said above because these men do not want the Argentine Government to know anything, nor to infer anything, about the steps they are taking. They wish to take them by surprise.⁶¹

The Argentine reply was not satisfactory, but López apparently decided not to act, for in February Herrera again wrote to ask for "practical measures."⁶² But relations between the two countries were seriously strained by the over-zealous action of the port officials of Montevideo in searching a Paraguayan steamer, the *Paraguari*. When President Aguirre wrote to tell López of his election to the presidency, the defender of Uruguay made it quite clear in his reply that co-operation would be impossible until this matter of national dignity was settled.⁶³ As ever, the things that mattered with López were the purely formal questions of personal and national dignity and prestige, in the manner of the decadent *amour propre* of the age of chivalry.

⁵⁹Herrera to Berges, Montevideo, January 13, 1864, *ibid.*, II, pp. 522-3.

⁶⁰Berges to Vazquez Sagastume, Asunción, August 30, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, enclosure 2 in no. 17, pp. 31-2.

⁶¹Brito del Pino to Herrera, Asunción, January 13, 1864; Herrera, *La clausura de los ríos*, p. 452, cited by Rebaudi, *La declaración de guerra*, p. 51.

⁶²Herrera to Berges, Montevideo, February 14, 1864; Herrera, *La diplomacia oriental*, II, pp. 526-7.

⁶³López to Aguirre, Asunción, March 30, 1864; *ibid.*, p. 532.

"Vital national interests" turned out to be less vital than a pettifoggery ceremony.

On May 1, 1864, Herrera handed his instructions to the new Uruguayan Minister to Asunción, José Vazquez Sagastume.⁶⁴ He was to offer satisfaction on the *Paraguari* question and then to concentrate on winning Paraguay to a further advance. At the beginning Herrera points out the historical position of Uruguay between Brazil and Argentina. The policy of absorption has not varied under Federals or Unitarians. Rosas and Mitre pursued the same policy so far as Uruguay was concerned. The only policy for Uruguay in such circumstances was a truly national one—a policy of independence towards both her great neighbors. For this reason when the Flores invasion took place Uruguay did not "make the mistake of bending before the Imperial throne soliciting onerous assistance," but confined herself to reminding Brazil of her treaty obligations in relation to the imperialism of Argentina.⁶⁵

Herrera's point of departure was the spontaneous declaration made by Paraguay to Argentina, Brazil and to the European powers "*that the independence of the Uruguayan state is the condition of her own, as it is the essential condition of the political balance of power of the continent in which she is situated.*"⁶⁶ The danger from Buenos Aires was the same as when that declaration was issued; but a new peril for Uruguay had appeared on the horizon in the form of Brazilian forces massing on the frontiers, the dispatch of a fleet to Uruguayan waters and a change of tone in Brazilian diplomacy, all of which were associated with the mission of an Argentine plenipotentiary to the Court of San Cristoval. The co-operation of Brazil and Argentina was patent.⁶⁷ To maintain an expectant attitude and to confine oneself to "simple exhortations when dangers are materializing and preparations to make more effective war on us are being carried through seems to us the sign of a great want of foresight and to involve the surrender of the advantages which, in situations such as the

⁶⁴Herrera to Vazquez Sagastume, Montevideo, May 1, 1864, *ibid.*, III, pp. 348-357.

⁶⁵*Ibid.*, p. 351.

⁶⁶*Ibid.*, p. 352 (underlined in original).

⁶⁷*Ibid.*, p. 353.

one that is engaging our attention, are ever to be derived from a resolute and vigorous initiative, founded on right and sustained by force⁶⁸

It was impossible to anticipate exactly what troubles this Argentine-Brazilian co-operation would bring upon Uruguay; their magnitude "will depend on the greater or less resistance that the plans of these two powers encounter, especially on the part of Paraguay."⁶⁹ Herrera proceeded:

Your Excellency will request upon the grounds I have indicated: (1) That Paraguay should take diplomatic action with Brazil analogous to the action taken with the Argentine Government by which she will make clear that, should an attack ever be made on the independence or sovereignty of the Uruguayan state, Paraguay will consider it her duty and her interest to take measures to resist it, considering such an attack as opposed to the political equilibrium of the nations of the continent of which Paraguay forms a part. (2) The dispatch to the waters of the Uruguay and the Plata of warships to answer the Brazilian war preparations (*aparato bélico*) in Uruguayan waters. (3) A force of a couple of thousand men—infantry and artillery—to disembark on the eastern bank of the Uruguay and to garrison the towns on that shore, thus setting the Uruguayan Government free to dispose of the national garrisons who have to contribute to the formation of the army of observation on the Brazilian frontier which has the task of opposing in any emergency the army that is being organized by the Empire on the same frontier and in Brazilian territory⁷⁰

"After so much time lost in *pourparlers*," Vazquez Sagastume was to concentrate on getting immediate results, and a formal pact must be left to the future in view of the magnitude and imminence of the dangers surrounding Uruguay. He should also be "economical" in giving the Paraguayan Government written communications.⁷¹ He concluded:

* If all these Brazilian preparations end in a pacific solution, then the display of force that Paraguay will have made, besides having influenced that solution, will have established a most timely precedent and a convenient notification that will make clear the power and the resolution of the sister Republic for the future not to be excluded from all co-operation in the political interests of the Plata. This will give her a stronger

⁶⁸*Ibid.*, p. 354.

⁶⁹*Ibid.*

⁷⁰*Ibid.*, p. 355.

⁷¹*Ibid.*, p. 356.

position in relation to Brazil and the Argentine Republic in any future controversy"

For some time after his arrival in Asunción Vazquez Sagastume was held up in his negotiations by the settlement of the *Paraguari* incident about which López showed the most excessive sensitiveness.⁷³ As soon as Paraguayan dignity had been assuaged by the requisite apologies, the Uruguayan diplomat was able to secure his first success. On June 13, 1864, he formally requested the mediation of Paraguay between Uruguay and Brazil, and on June 17 López acceded to the request and dispatched a special messenger to Rio de Janeiro to inform the Imperial Government of his acceptance of the honorable task imposed on him by Uruguay. Berges wrote in an exalted strain to his agent in Buenos Aires:

Our Government, that on all occasions has bent its efforts to secure the establishment of the internal peace and order of the Uruguayan state, and has ever made clear its zeal for the general interests of the republics of the Plata, will once again do all in its power to secure that its just, friendly and impartial voice may bear the olive branch to a friendly and sister republic. I hope that Your Excellency, duly appreciating the humanitarian policy of His Excellency the President, will make known to your acquaintances this new step he is taking with the sacred end of re-establishing order and concord in the Río de la Plata.⁷⁴

The Paraguayan note arrived just at the moment when the Thornton-Saraiva-Elizalde mediation between the Montevidean Government and Flores seemed about to be crowned with complete success. Saraiva, to whom a copy of the note was forwarded, replied courteously on June 24 that the mediation would be unnecessary. The Imperial Government repeated the answer of its plenipotentiary on July 7, and Herrera himself wrote to Vazquez Sagastume to say that in the changed circumstances the Uruguayan Government felt that it could make no use of the

⁷³*Ibid*

⁷⁴Berges to Egusquiza, Asunción, May 21, June 6, 1864; Rebaudi, *La declaración de guerra*, pp. 101-2, 103.

Herrera to Vazquez Sagastume, Montevideo, May 30, 1864, Herrera, *La diplomacia oriental*, III, 358.

⁷⁵Berges to Egusquiza, Asunción, June 17, 1864; Rebaudi, *La declaración de guerra*, p. 104.

services of the Paraguayan Government.⁷⁵ The Uruguayan Minister informed Berges of this on July 4. Once again López had received a severe diplomatic rebuff. He furiously resented this exclusion from the affairs of the Río de la Plata in which, on his own showing, he had only a purely Platonic interest. Berges wrote to his Confidential Agent in Buenos Aires:

You know the inconsiderate course that the Uruguayan Government has followed in respect to us up to this last case of declining the mediation offered by this Government for the settlement of their questions with Brazil. This unexpected step has closed the way to our intervention in the affairs of the Uruguayan state⁷⁶

But that way was soon reopened. The final breakdown of the joint mediation early in July on the question of admitting Colorados to the Blanco Cabinet decided Herrera to appeal again to López. On July 14, 1864, he handed his instructions to the redoubtable and ferocious Dr. Antonio de las Carreras for his special and confidential mission to Asunción where he was to work in co-operation with Vazquez Sagastume. In his dispatch to Vazquez Sagastume announcing the confidential mission, Herrera wrote that Dr. Antonio de las Carreras came with the following objectives in view: (1) To secure a loan; (2) to assure the diplomatic aid of Paraguay, who was to be asked to notify Argentina and Brazil that she would take part in any conflict that might arise with Uruguay; (3) to obtain the "immediate help of forces to conquer quickly the invasion in the interior of the republic"; (4) to obtain a definite pledge of Paraguayan aid to Uruguay once the attack foreseen took place—a pledge so definite that Uruguay might with security base her policy on it.⁷⁷

On August 1, 1864, Antonio de las Carreras presented a remarkable memorandum to José Berges, analyzing the situation from the Blanco point of view with the utmost frankness. In his opinion the events in Uruguay following the invasion of

⁷⁵Herrera to Vazquez Sagastume, Montevideo, June 24, 1864; Herrera, *La diplomacia oriental*, III, 359-60.

⁷⁶Berges to Egusquiza, Asunción, August 6, 1864; Rebaudi, *La declaración de guerra*, p. 105.

⁷⁷Herrera to Vazquez Sagastume, Montevideo, July 15, 1864 (confidential). Herrera, *La diplomacia oriental*, III, 360-1. Herrera to Antonio de las Carreras, Montevideo, July 14, 1864, *ibid*, pp. 362-8.

Flores recalled the plan initiated by General Mitre and accepted by the Uruguayans who followed the Colorado *caudillo* of a reconstitution of the ancient viceroyalty of Buenos Aires under the name of "United States of the Río de la Plata." A public banquet had been given in celebration of the idea which had been warmly supported by the press of Buenos Aires.⁷⁸ Carreras went on to assert that the present co-operation of Brazil and Argentina proved an intention to partition Uruguay, and he indicated the boundary that would, for the time being, satisfy Brazil—the Río Negro on the west and the Olimar on the east. Argentina would annex what remained or secure entire control of the Government.⁷⁹ The danger that overhung Uruguay also menaced Paraguay and would continue so long as Buenos Aires dominated the rest of the Argentine provinces. The only way to conjure it was to secure the isolation of the malevolent power by the secession of the remaining Argentine provinces.

The Provinces of Entre Ríos and Corrientes would be the first to utter the cry of independence as soon as they find the least support, and the rest would quickly follow their example . . .

The cause would also be indirectly helped by the independence party of Buenos Aires and by the city population unwilling to bear the accidents of civil war. A league between Paraguay, Entre Ríos, Corrientes and the other provinces that "should adhere to the regenerative idea would have all the prestige of public opinion and would offer a conjunction of elements of power never before seen in the Río de la Plata."⁸⁰

In 1863 at the time of the Llapido mission to Asunción, the Uruguayan Government was occupied with the plan which met with the approval of General Urquiza and which was defeated only by the intrigues of Don Andrés Lamas, who worked exclusively in favor of Argentina, and by the weakness of the then Montevidean Government.⁸¹ Now President Aguirre had decided to revive the policy of the Llapido mission of 1863 and to aim at disrupting Argentina by an alliance of Uruguay, Paraguay, Entre Ríos and Corrientes which would be strong enough to defeat

⁷⁸*Ibid.*, p. 372.

⁷⁹*Ibid.*, pp. 377-8.

⁸⁰*Ibid.*, p. 379.

⁸¹*Ibid.*, pp. 379-80.

the imperialism of Buenos Aires.⁸² He concluded by asking for a monthly subsidy for the Montevidean Government, repayable once the Republic had escaped the present embarrassments and pending the conclusion of the loans it was trying to raise in Europe.⁸³ In reply Berges asked to what extent Carreras represented his Government and whether the Uruguayan legation was aware of his memorandum.⁸⁴ Carreras replied that the Uruguayan legation was fully authorized to negotiate "in the sense of the ideas contained in my memorandum."⁸⁵

In a dispatch to the Paraguayan Confidential Agent in Buenos Aires Berges reviewed the famous memorandum with considerable asperity. He referred to "the acrimonious language peculiarly his own," in which Dr. Carreras had discussed the menace that overhung Uruguay in the plans of annexation entertained by Brazil and Argentina. Recounting Carreras' version of the failure of the Lapido plans of 1863, Berges remarked dryly that the same men who had proposed them were still in office in Montevideo. After sketching "the exaggerated claims of Señor Carreras, which much exceed those Dr. Lapido asked," he continued:

The trick that we suffered with the rejection of our mediation is recent, and it has perhaps rather injured our moral prestige, but the Government of Señor Aguirre, which finds itself in a new emergency through the rupture of the negotiation with the mediating Ministers Elizalde, Saraiva and Thornton and the events of July 6, has not hesitated to send a confidential mission to this Government.

Dr. Carreras' "classical document" involved such grave proposals that it was more suitable for an official negotiation than for a private and confidential mission. For this reason it had been necessary to enquire to what extent an official character could be attributed to these approaches.⁸⁶

Matters rested in this position until the arrival on August 24 of the steamer *Paraguari* bringing the new Brazilian Minister-Resident, Senhor Vianna de Lima, and Thornton, the British

⁸²*Ibid.*, pp. 380-1.

⁸³*Ibid.*, p. 382.

⁸⁴Berges to Carreras, Asunción, August 4, 1864, *ibid.*, p. 385.

⁸⁵Carreras to Berges, Asunción, August 5, 1864, *ibid.*, p. 387.

⁸⁶Berges to Egusquiza, Asunción, August 6, 1864; Rebaudi, *La declaración de guerra*, pp. 105-7.

Minister at Buenos Aires. By the same boat arrived news of Saraiva's ultimatum of August 4 and the answer of the Uruguayan Government. Thornton at once set himself "with admirable dexterity" to allay the suspicion that Brazil's action aroused in the mind of López. His efforts were in vain. In answer to a formal request of Vazquez Sagastume for the intervention of Paraguay, López authorized Berges to address his famous protest of August 30, 1864, to the Brazilian Minister disclaiming all responsibility for the consequences if the Empire were to invade Uruguay over the protest of Paraguay. On the same day Berges addressed to Vazquez Sagastume the extraordinary "review note" in which the entire course of the confidential negotiations of the Blanco Government was analyzed in detail and immediately published in the *Semanario*. Berges wrote to Egusquiza:

You may perhaps imagine from my review note of August 30 that we are in complete disagreement with the Uruguayan state. That is not so, we are only in disaccord with its present ministry, with which we can do nothing in spite of the desire of our Government and the Paraguayan people to sustain the autonomy of this neighboring and friendly Republic. If there was a ministerial change we could come to an agreement very easily"

The hint was taken. Antonio de las Carreras had already posted home on August 28 and secured the fall of his chief, Herrera, and the accession of the Blanco "die-hards" to power with himself as Foreign Minister, Minister of Finance and Minister of War and Marine.⁸⁸

In other words, it was the direct influence of López, who was never tired of protesting his desire to see peace re-established in the Río de la Plata, which led to the final triumph of the *exaltés* of Montevideo resolved, as Antonio de las Carreras put it, "to perish amid the ruins of the city" rather than yield to the moderating counsels of Andrés Lamas. By the review note of August 30 he not only precipitated the fall of Herrera, who in spite of all his aberrations was, as he had on several occasions shown, not completely resolved on war at any price, but also fatally compromised the Blanco Government in the eyes of Mitre, whose

⁸⁸Berges to Egusquiza, Asunción, September 6, 1864; *ibid.*, pp. 108-9.

⁸⁹Washburn, *History of Paraguay*, I, 550.

influence Andrés Lamas was again winning for another effort to avert the Brazilian invasion. The American Minister wrote to his Government:

The most remarkable thing as connected with this correspondence is its publication by this Government, though many things to which it alludes were avowedly secret and confidential all is published to the world as if it were the object to still further embroil the Governments of Buenos Aires and Montevideo. This publication will go far towards justifying a declaration of war against Uruguay by Buenos Aires"

If the wisdom of Bartolomé Mitre could not be thus easily coerced into desperate courses, neither, on the revelation of all the intrigues of Montevideo against the integrity of the Argentine Republic and of the tremendous dangers to which his country was exposed within and without, could he be expected to protect his Blanco enemies from the vengeance of Brazil. It was inevitable that he should give the Empire a free hand. Nor was the calculated indiscretion of López without advantages which the great Argentine was quick to exploit. It effectually paralyzed for the time being the disaffected schemes of Entre Ríos and Corrientes by turning a sudden searchlight on their activities. •

As for the Blancos, they had been completely deceived. The Imperial armies crossed the Uruguayan frontier, and Paraguay entered the war. Things seemed to be moving in accord with the programme; but not for long. The American Minister was quick to perceive the true position, writing on December 13:

Before the invasion of the Oriental Republic by Brazil, it was given out that such an act would be regarded as cause of war with Paraguay and it was supposed by the Uruguayan Government that President López would send his troops into the Banda Oriental to assist in expelling the Brazilians and putting down the rebellion under Flores. But that was not the policy of President López"

"Washburn to Seward, Asunción, September 5, 1864, State Department MSS, Paraguay Diplomatic, I, no. 35.

"Washburn to Seward, Asunción, December 13, 1864, *ibid.*, no. 41.

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THE ORIGINS OF THE PARAGUAYAN WAR

PART II

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CHAPTER VII

FRANCISCO SOLANO LÓPEZ AND THE BREAKING OF THE STORM

The study of the history of Paraguay between 1810 and 1870 is in a sense the study of the biographies of three men, Dr. Francia, Carlos Antonio López and Francisco Solano López, who during that period controlled her destinies so absolutely that we may almost say their will alone counted. It is therefore necessary to spend some time on the life and personality of Francisco Solano López, who was elected President of Paraguay in succession to his father in October, 1862, and whose fateful decisions in November, 1864, and March, 1865, precipitated a five-year struggle of desperate ferocity, ending, after unparalleled disasters, in his own violent death, the utter ruin of the Paraguayan Republic and the all but complete extermination of the Paraguayan people, the chief victims of a war in which, from first to last, perhaps half a million human beings perished by the sword, by famine and by disease. Inevitably we must ask ourselves many questions about this ruler whose people followed him beyond the last man and whose army at the end had boys of eleven and twelve in the ranks and women as its beasts of burden. At the outset one is compelled to admit that his personality and the secret springs of his policy still remain wrapped in more than the usual mystery that shrouds the secret places of the heart. We still await the publication of evidence which probably exists and which may illuminate the influences leading him to embark on his malevolent and meteoric course.

Francisco Solano López, the eldest son of Carlos Antonio López, was born on his father's estancia July 24, 1826. Washburn recounts an elaborate scandal to the effect that he was not the son of Carlos Antonio López, but accepted by the latter as a legacy with his wife to oblige a wealthy patron who made the transaction convenient for his client.¹ The story sounds improbable, but is a typical rumor characteristic of countries under a despotic government. It is rendered more unlikely by the fact

¹Washburn, *The History of Paraguay*, I, pp. 340-41.

that from the moment of his own accession to power Carlos Antonio López began to treat his son as a sort of Crown Prince. In 1845 during the alliance of Paraguay with Corrientes under Madariaga and Paz, Francisco Solano López was sent by his father as commander of an expeditionary force of some 5,000 men. As we have seen, the expedition returned without firing a shot. In 1849 the youthful General was sent to occupy the Misiones during the crisis with Rosas in that year. The Chilean writer, Federico de la Barra, relates that at the time of the alliance with Corrientes he visited Francisco Solano López in his campaign tent. In the course of conversation the Paraguayan chief exclaimed in a tone of great conviction: "The military art has no secrets for me. General Paz cannot teach me, nor have I anything to learn of his science." He who spoke was still a boy and had never seen a battle; the one-armed General Paz in his day was regarded as one of the best tacticians and military organizers in Latin America.² Later his father appointed him Minister of War and Marine and from time to time delegated to him diplomatic tasks. He signed the Protocols with Silva Paranhos in 1858, but in all such transactions the President allowed little discretion to his Ministers. Though watchful of their political activities, he seems to have exercised no restraint over the personal conduct of his sons with the result that the population of Asunción learned to dread the caprice and vendettas of the "royal family." A terrible and well authenticated story reveals the future Dictator in a somber light. A beautiful daughter of a distinguished house in Asunción engaged to a very gallant young man rejected the impertinent advances of the "Crown Prince," who was roughly handled by her lover on one occasion. López bided his time and eventually persuaded his father that his rival was involved in a conspiracy. Several persons were arrested but Carlos Antonio, who was not a man of blood, released them after a short detention. Francisco Solano, however, so worked on the old President's mind that he ordered the young man who had ventured to defend his beloved to be executed. His naked and blood-stained corpse was thrown before the door of the unhappy girl. For many years afterwards, like some pen-

²Cited in Ollerós, *Alberdi á la luz de sus escritos en cuanto se refieren al Paraguay*, p. 224.

sive southern Ophelia, she was seen at long intervals gathering flowers by moonlight or praying before deserted shrines.³

In 1853 and 1854 Francisco Solano López traveled abroad as the representative of his father in Europe, visiting England, France, Germany, Italy and Spain. In the course of his journey he made considerable purchases of arms, ammunition and steamers for the Paraguayan Government and hired a number of European experts to supervise fortifications and arsenals. On his return he resumed his post in the ministry and to an increasing extent acquired knowledge and influence, maintaining a very extensive correspondence on all aspects of the foreign and domestic affairs of Paraguay. In 1859 he represented Paraguay in a temporarily successful mediation between Buenos Aires and the Argentine Confederation after the battle of Cepeda.⁴ One of the most notable aspects of his correspondence that has been published for these years is his intense preoccupation with the press of Argentina and Brazil. The only newspaper in Paraguay was owned and edited by the Government. Many of its articles were written by the President, and it expressed only what the Government cared to publish. No other newspaper was allowed to circulate in the country. A certain section of the press of Buenos Aires was excessively scurrilous, and naturally the Paraguayan Government and Don Carlos Antonio did not escape attention. The correspondence of Francisco Solano reveals that he tended to regard such comments as inspired by the Governments of the country in which they appeared.⁵

On his return from Europe he was accompanied by a remarkable lady of Irish extraction whom he had met in Paris. Eliza Alicia Lynch was nineteen years old when she came to Paraguay with López early in 1855 to play her part as a pinchbeck Lady Macbeth.⁶ The nature of the influence that for sixteen years the

³Masterman, *Seven Eventful Years in Paraguay*, pp. 34-36; Washburn, *op. cit.*, I, pp. 402-404.

⁴*Documents officiels relatifs à la médiation pacifique de la République du Paraguay dans le différend existant entre les gouvernements de la Confédération Argentine et de Buenos-Ayres.*

⁵Olleros, *op. cit.*, p. 249 and *passim*.

⁶*Ibid.*, p. 168.

"lorette parisienne" exercised over the mind of Francisco Solano López has not been adequately investigated. That it was considerable admits of no doubt. Needless to say the sensitive vanity of the Paraguayan was from this time on constantly wounded by the malignant comments of the irresponsible press of Buenos Aires.⁷

In September, 1862, the old President Carlos Antonio López died, and in October, Francisco Solano López as Vice President assembled a general Congress for the purpose of electing a President.

Francisco Solano López had for so long been consolidating his position in the Government and was so certainly his father's nominee that no opposition was anticipated to his election. The Congress consisted of a hundred members from different parts of the country, most of them judges and chiefs of police directly nominated by and dependent on the Government. Even so, a decided spirit of opposition to the policy of the López family manifested itself. An attempt was made by an element in the Congress to revise the Constitution with a view to determining the limits of the, all but unlimited Executive. The proposals were voted down, and López was unanimously elected President for ten years on October 16, 1862. The British Chargé d'Affaires at Buenos Aires, who was at the moment in Asunción, thus reported on the position of López:

His Excellency was not free from anxiety, and in conversation expressed to me that his position was one surrounded with difficulties tho' he hoped to be able to silence his opponents. I heard from a confidential source that Don Benigno López, his youngest brother, was the leader of a party against the President who had opposed his election to the Presidency.⁸

Immediately after the Congress scores of arrests of prominent persons took place throughout the country, and the new administration was inaugurated in an atmosphere of great uncertainty. "The only offense so far as I know," wrote the American Min-

⁷*Memorias del Coronel Juan Crisostomo Centurión ó sea reminiscencias históricas sobre la guerra del Paraguay*, I, 242.

⁸Doria to Russell, Asunción, October 18, 1862, F. O., 6.241, despatch no. 30.

ister, "that is charged against the prisoners, is that they preferred some one else for President rather than Francisco Solano López and this in most countries would not be considered a capital crime."⁹

Immediately on his election, by ones and twos prominent persons such as J. F. Decoud and the Saguier family, besides well-informed foreigners, began to leave the country. The defeat of what hopes they had for constitutional reform may in part account for this movement; but their estimate of the character of the new ruler and the expectation of war were the principal reasons.¹⁰

López II was certainly a man of considerable though not unusual ability. His chief characteristics were iron will-power, tenacity of purpose and a laboriousness as great as his father's. He was indefatigably industrious—the first requisite of a successful despot.¹¹ On the days that the steam packet sailed for Buenos Aires and Montevideo he would sometimes write and dictate his correspondence continuously from 2 p. m. to 11 p. m. He possessed gracious and engaging manners and was a master of a lucid and laconic style both in writing and speech. He was popular with his soldiers, with whom he mingled familiarly, ever ready to joke and chaff with them. He also maintained and developed the immense espionage system characteristic of Paraguay.

This insecurity of the régime on the accession of López II deserves attention, for the new ruler was remorselessly determined to maintain the autocracy founded by Dr. Francia and but slightly modified by Carlos Antonio López. It may account in part for his concentration on the army and his policy of ingratiating himself with the masses . . . Washburn, the American Minister, wrote:

The President's birthday has been made the occasion of such festivities as were never known before. From then until now [July 24-August 5, 1863] it has been a continual series of balls, excursions by river, excursions by railroad, bull-fights, fire-works, and everything that is calculated to

⁹Washburn to Seward, Asunción, August 5, 1863, State Department MSS, Paraguay Diplomatic, 1.

¹⁰Washburn to Seward, Asunción, October 20, 1862, *ibid*

¹¹Adolfo Decoud, "Solano López," in *Revista de derecho, historia y letras*, VII, 212, note

¹²Centurión, *Memorias*, I, 153-4.

dazzle and please the multitude. The lower classes have been indulged in a manner they never dreamed of before, and the fear among many is that this is but a stroke of policy on the part of the President to ingratiate himself with the masses preliminary to acts of severity against those who have in any way become obnoxious . . . He evidently has an ambition to be something more than a petty despot and looks to find it gratified in the improvements he may introduce into this country. He evidently desires reputation abroad as well as at home, and he must be aware that he can only get the respect of other people by using his power for the public advantage and prosperity. And yet the people here are full of doubt and apprehension in regard to the future. I trust that what they now fear will never be realized, but from what I have observed I must say that they have reasons for their anxiety and uneasiness, and I fear lest I may have occasion to write another dispatch ere long that will be a dark chapter in the history of Paraguay.²²

A man of limitless ambition, gigantic will and supreme power, who desired "reputation abroad as well as at home" might well inspire anxiety in any well informed student of the confused and stormy politics of the Río de la Plata in the early sixties. López was rightly convinced of the military strength of Paraguay, though he overestimated her resources, and was aware that she played no considerable part in the affairs of the Río de la Plata, thanks to the isolationist policy of Dr. Francia and the later caution of his father. In 1859 he had occupied a spectacular position in securing a temporary reconciliation of Buenos Aires with the Argentine Confederation, which was rendered insignificant by the Battle of Pavón. It seemed to him a position that Paraguay ought to occupy habitually as "guardian of the political equilibrium of the Río de la Plata." The phrase was the sort of formula that fascinates a political charlatan. Like many superficial minds, López was very suggestible, and was ready to believe almost anything, provided it harmonized with his predilections. A man who could order prisoners of war to be flogged until they would tell him that General Mitre was dead, in order that he might publish the "news" in his official orders, obviously was incapable of forming an objective judgment on any situation.²³ His

²²Washburn to Seward, Asunción, August 5, 1863, State Department MSS, Paraguay Diplomatic, 1.

²³Thompson, *The War in Paraguay with a Historical Sketch of the Country and Its People and Notes upon the Military Engineering of the War*, p. 242.

nearest parallel is Xerxes flogging the waves of the Hellespont. This was the man who was, as we have seen, to become the target of the diplomacy of Octavio Lapido, Vazquez Sagastume and Antonio de las Carreras. The chief occupation of Carlos Antonio López in the latter years of his life was the militarization of Paraguay, and this policy was continued by his son to its inevitable culmination. This aspect of the policy of López II deserves consideration.

In 1827 Dr. Francia organized a standing army of 5,000 men with a reserve of another 20,000. In 1857 Carlos Antonio López raised it to 18,000 with a reserve of 46,000. At the same time a fleet of eleven steamers was organized, which, in conjunction with the fortifications of Humaitá and Paso de la Patria, could close the entrance to the Río Paraguay and even, at a pinch, the Alta Paraná. A railway from Asunción to Paraguari was begun in 1859 and completed in 1862. Apart from its value in tapping the agricultural resources of the interior, it was conceived with a definite strategic idea.

Francisco Solano López in the first year of his administration raised the standing army to 28,000 men and built a telegraph line from Asunción to Paso de la Patria, a distance of two hundred and seventy miles, for the better strategic control of the national defenses. He continued the policy of bringing engineers and machinists into the country for the purpose of supervising his arsenals and powder magazines.¹⁴ The motives of Carlos Antonio López in introducing conscription and, under the eager pressure of his son, embarking on his extensive military preparations were not the same as those of López II in continuing them. The old President's attitude was essentially conservative. He was thinking of external perils to Paraguay. Rosas had gone, but Brazil remained, and his experience with the United States debt collecting squadron had stiffened his determination to make Paraguay a formidable power to attack.¹⁵ There is not the slightest evidence that he contemplated making war on any of his neighbors. The whole of his policy as a President was really a series of escapes from wars rather than acceptance of them. Nevertheless,

¹⁴Beverina, *La guerra del Paraguay*, I, 56-7.

¹⁵Decoud, "Solano López," in *Revista de derecho, historia y letras*, VII, 212.

at his death the relations of Paraguay with her neighbors were notoriously unsatisfactory. The boundary question with Brazil was a particularly sore point. Relations with the Argentine Republic were not much better. The American Minister, after a trip to Buenos Aires and Montevideo, wrote:

I was astonished to find that Paraguay had so few friends outside of its own limits. It is regarded as a sort of *terra incognita* to be ventured into only at great risk and so far as I could learn, the feeling was almost universal that it would be a most fortunate thing if some strong power would send such a force hither as would compel it to respect the laws of national and international hospitality¹⁶

The attitude of watchful suspicion maintained by Carlos Antonio López was continued by his son. The neighboring governments, aware of the excessive sensitiveness of the Paraguayan Government, endeavored to conciliate it. This deference, especially in 1859, working on his impulsive and unbalanced character led Francisco Solano López to misread the situation completely. The diplomatic attention shown to Paraguay caused him to overestimate her influence; at the same time he attributed the attitude of his neighbors to fear. This type of man in public and private life has a fatal tendency to be reckless. He must keep up his prestige, to which he fancies all the consideration shown him is due. Accordingly he strains at gnats, sticks at straws, trails his coat and takes ridiculously easy offense. His demands eventually become so absurd that he is bound to receive a serious rebuff, which is likely to madden him into plunging into desperate courses. He entertained deep suspicions of Mitre and was obviously preoccupied by the situation created by the battle of Pavón and the revolution that led to the election of Mitre as President of the Argentine Republic within a few weeks of his own election to the office of his father. Doria, British Chargé at Buenos Aires, after a visit to Asunción, wrote:

General López expressed his fears often to me that Mitre would attack him to occupy a portion of territory which Paraguay holds and claims on her south eastern boundary or bank of the Paraná; and only last week one of the papers here writes and calls for war on Paraguay.¹⁷

¹⁶Washburn to Seward, Asunción, September 28, 1862, State Department MSS, Paraguay Diplomatic, 1; Washburn had been to Buenos Aires to test feeling towards possibility of another U. S. naval expedition to Paraguay on behalf of the Rhode Island Company's claims.

¹⁷Doria to Layard, Buenos Aires, November 26, 1863, private, F. O., 6.241.

The first important negotiation of López II after his election as President illustrates his fatal characteristic, and, since it leads on directly to the complex of revolution and intrigue that culminated in war, it deserves consideration.

In February, 1863, feeling that a new opportunity was afforded by the change of Government in Paraguay to effect a solution of outstanding questions and to cultivate good relations, President Mitre sent a message to López through a mutual friend, Don Lorenzo Torres, indicating that he would be glad to embark on a negotiation for the settlement of the boundary question. López at once wrote to Mitre that he would be glad to begin such a negotiation.¹⁸ In reply Mitre suggested that it would be best to decide previously on the scope and basis of the negotiation. He was prepared if necessary to sacrifice some of the claims of Argentina for the sake of the definitive settlement of the only outstanding question between Paraguay and Argentina.¹⁹ In reply López thanked Mitre and expressed the opinion that the solution of this one outstanding question would enable the two powers to "co-operate reciprocally in questions that may involve their political and indubitable interests."²⁰ On May 16, 1863, Mitre replied accepting the suggestion of an entente:

It is my sincere and definite wish not only to maintain these good relations and remove every difficulty that might in the future modify or alter them, but also to co-operate in the political questions that may arise in neighboring countries and that in any way affect the common interests of our respective republics

A settlement of the boundary question was desirable, "for the advantageous and unembarrassed position this arrangement would give in entering on other negotiations of like nature with neighboring peoples who have common frontiers with Paraguay and the Argentine Republic."²¹

Thus obliquely and ambiguously Mitre insinuated two important suggestions—Argentine and Paraguayan co-operation in re-

¹⁸López to Mitre, Asunción, March 5, 1863, *Archivo del General Mitre Guerra del Paraguay*, II, 9-10.

¹⁹Mitre to López, Buenos Aires, March 17, 1863, *ibid.*, p. 10.

²⁰López to Mitre, Asunción, April 1, 1863, *ibid.*, pp. 11-12.

²¹Mitre to López, Buenos Aires, May 16, 1863; Rebaudi, *La declaración de guerra*, pp. 132-3. This letter is not included in the *Archivo Mitre* collection.

lation to Uruguay, where Flores had begun his revolution the previous month. It is possible that he was trying to find out by this very tentative feeler how far the Herrera mission to Paraguay the previous year had gone in founding a Uruguayan-Paraguayan entente and, if possible, to drive a wedge between his enemies in Montevideo and their potential friends in Asunción.

Then, less vaguely, he puts forward the possibility of Argentine-Paraguayan co-operation in their boundary disputes with Brazil. The *quid pro quo* would doubtless be the cession of the Paraguayan claim to the whole or part of the Misiones and Argentine support to Paraguay in claiming the Río Blanco and the Yoinheima lines. But this is speculation; what is certain is that Mitre made an important overture. In conclusion he suggested that the best means of dealing efficiently with the boundary question would be for both parties to nominate commissioners who, after a full discussion, could make a report on which a settlement might be based. López in reply stated that he recognized like Mitre "the necessity of co-operating in political questions that might arise in neighboring countries and might in any way affect the common interests of our respective republics." He declared himself ready to nominate a "plenipotentiary" as soon as Mitre had done so.³² The letter was certainly not encouraging. Aside from a mere repetition of Mitre's formula, López had changed the suggestion for commissioners to establish the facts into a proposal for plenipotentiaries. He would wait for Mitre to nominate his man before he showed his own hand.

Mitre however was not discouraged and in his next letter took a further step. Referring to the suggested entente between Paraguay and Argentina he wrote:

When in my last letter I sketched this idea to Your Excellency it was in the only sense in which I could formulate it, bearing in mind that the policy of these countries for a long time has been to seek alliances and connections precisely not with the peoples concerned and with their general interests, but rather with their parties and internal factions, thus giving rise to sterile complications and delaying the establishment of a national policy, pacific and founded on the veritable principles of international law, that would give fruitful results for the present and for the future. And in sketching that idea I had chiefly in mind the

³²López to Mitre, Asunción, June 6, 1863, *Archivo Mitre. Guerra del Paraguay*, II, 12-13.

events that are at this moment developing in the Uruguayan Republic. In these internal questions I propose to remain absolutely neutral, even if some complications arise between the Governments²³

To this plain invitation to an agreement of both powers not to intervene in the internal affairs of Uruguay López replied:

The complete neutrality that Your Excellency proposes to follow in the events that are agitating Uruguay cannot be other than highly satisfactory to the Government of that country, and I thank Your Excellency for the explanations with which you have been good enough to favor me

He then reiterates that he is ready to nominate a plenipotentiary for the boundary question as soon as Mitre does and proposes Asunción as the place of meeting for the negotiators as being nearer than Buenos Aires to the disputed territories.²⁴ The letter was really a complete evasion of Mitre's suggested non-intervention pact. Once again López in effect refused to nominate a plenipotentiary until Mitre had done so and contributed only the claim that Asunción be the place of negotiation. In this way he would again have the satisfaction and prestige of presiding over an international conference and could thus magnify the importance of Paraguay. His real attitude of suspicion towards Mitre was revealed at this time to the Uruguayan Minister who had been sent to voice the compliments of the Blanco Government and work for an alliance. He affected to take very seriously the current rumor that Mitre's policy was "the reconstruction of the viceroyalty of Buenos Aires," in other words, the reincorporation in Argentina of Uruguay, Paraguay, and perhaps Bolivia.²⁵

Shortly before, Berges, the Paraguayan Foreign Minister, had written to the Paraguayan Confidential Agent in Buenos Aires, Felix Egusquiza, that he had heard from a respectable source that a secret combination existed between Argentina and Brazil by which Brazil pledged herself to aid Buenos Aires in maintaining the *status quo* in the Río de la Plata, particularly in relation to Corrientes and Entre Ríos, in return for which Argentina promised support to Brazil in her boundary dispute with Paraguay by

²³Mitre to López, Buenos Aires, June 16, 1863, *Archivo Mitre. Guerra*, II, 14.

²⁴López to Mitre, Asunción, July 5, 1863, *ibid.*, p. 17.

²⁵Lapido to Herrera, Asunción, July 20, 1863, Herrera, *La diplomacia oriental*, II, 445.

opening her ports and not putting any obstacle to the passage of the Brazilian war fleet up the Paraná.²⁶

Mitre replied by writing that he had nominated Don Valentín Alsina as the Argentine representative. He was peculiarly fitted to serve in that capacity as he had been previously engaged on the problem. Alsina had accepted on condition that he did not have to leave Buenos Aires as his health and other important considerations precluded him. Accordingly Mitre suggested Buenos Aires as the place of meeting. Though Asunción was nearer to the frontier, most of the vitally relevant documents of the former viceroyalty were in Buenos Aires; only if the frontier had to be visited would Asunción have any advantage.²⁷ López, however, declined to accept Buenos Aires on the ground that he could not spare the few men in Paraguay who were competent to handle this question, whereas Mitre would have no difficulty in finding a worthy substitute for Señor Alsina.²⁸ Once again Mitre yielded to the exacting Paraguayan and accepted Asunción as the place of meeting for the plenipotentiaries. A little later he wrote to inform López that he had nominated José Marmol as the Argentine plenipotentiary in the boundary question.²⁹ On every point raised by López, Mitre had given way in the hope of bringing the negotiation to a successful conclusion and settling at least one of the many thorny questions that impeded the re-organization of the Argentine Republic. There is nothing in the correspondence to indicate that López wanted a conference or a settlement sufficiently to make the least sacrifice for them, and he was now to precipitate a diplomatic crisis that was to preclude all chances of a *détente* in Argentine-Paraguayan relations.

In August, 1863, López was in correspondence with Urquiza, trying to persuade him to abandon his policy of doubtful neutrality in the Uruguayan conflict of which the Blanco point of view was being vigorously presented to him by the Uruguayan

²⁶Berges to Egusquiza, Asunción, May 6, 1863, Rebaudi, *La declaración de guerra*, p. 86.

²⁷Mitre to López, Buenos Aires, August 19, 1863, *Archivo Mitre Guerra*, II, 18-19.

²⁸López to Mitre, Asunción, September 19, 1863, *ibid.*, pp. 21-2.

²⁹Mitre to López, Buenos Aires, October 3, November 17, 1863, *ibid.*, pp. 22-3, 26.

Minister, Octavio Lapido.⁸⁰ On September 2, 1863, Lapido addressed a note to the Paraguayan Government formally embodying the complaints he had already verbally communicated. It contained the most serious allegations against Argentina:

Contrary to the reiterated declarations or protestations of neutrality and of respect for the sovereignty and independence of Uruguay by the Argentine Government, facts are teaching us that it has not fulfilled, nor is it fulfilling, the duties which international law imposes upon it in relation to a neighboring and friendly people. Through this failure the Uruguayan Republic sees itself daily invaded by armed bodies, equipped and provisioned in Argentine territory with the consent and even with the co-operation of the Argentine authorities. This co-operation is demonstrated by the extraordinary fact that in Buenos Aires, the capital of the Republic, there is, publicly constituted, the governing committee of the revolution in Uruguay, which directs and aids it openly with every sort of equipment Not only has the Uruguayan Government not been listened to but it perceives that every day the invasion is more favored, and its objects more clearly exposed, since, as you know, a reconstruction of the country is already openly talked about, and those appear to be directing and protecting the revolutionary movement who publicly, and on solemn occasions, have proclaimed as a programme of international policy the reconstruction of the American nationalities The Uruguayan Government knows, Mr. Minister, that the danger which today threatens the Republic of Uruguay, must be cause for alarm to the Republic of Paraguay; that the independence of the Uruguayan Republic is a condition of equilibrium, of peace and of safety to the Republic of Paraguay; and that their Governments, unless they ignore the most vital interests of both nations, cannot look with indifference upon attacks directed against the independence of either of them. My Government, holding this conviction, cannot but hope that the voice and effective co-operation of the Government of the Republic of Paraguay will be felt in restraining the onrush of that aggressive policy which unfortunately is dominant in the councils of the Argentine Government; that policy which, covertly assailing the independence of the Uruguayan Republic, tends to the attainment of a dangerous preponderance and threatens to carry revolution and disorder among other neighboring nations

In short Lapido formulated "the reasons which the Uruguayan Government had and has for believing that this aggression is directed not merely to the overthrowing of the established con-

⁸⁰Lapido to Herrera, Asunción, August 27, 1863, Herrera, *La diplomacia oriental*, II, 473.

stitutional government, but to the purpose of assailing the independence of the Uruguayan nation"³¹

With the same dispatch Lapido enclosed a copy of the circular that the Uruguayan Government had directed to the Diplomatic Corps in Montevideo and of the separate note to the Brazilian Minister on August 16, making the same charges against the Argentine Government as those contained in Lapido's note to Berges.

Here was the long sought opportunity for Francisco Solano López to burst into the *haute politique* of the Río de la Plata. A dispatch was drafted by Berges to catch the packet that left Asunción on September 6 for Buenos Aires. It was addressed to Rufino de Elizalde, and copies were enclosed of Lapido's note of September 2, 1863, the circular of Herrera to the Diplomatic Corps in Montevideo and Herrera's separate note to the Brazilian Minister of August 16. After calling attention to them Berges proceeded:

Documents so serious would certainly influence the opinion of this Government in formulating to itself the true position of events in the Republic of Uruguay, and the disastrous effect their consequences may have on the general interests of the Republic of Paraguay, if this Government should become convinced that that of Your Excellency played the part in those events which the Government of the Republic of Uruguay has attributed to it . . . the undersigned has received instructions to request from the Government of Your Excellency the friendly explanations that the present note has as its object.³²

The note of menace is muffled, but it is none the less present.

The tone and contents of the note are perhaps of less significance than the extraordinary action of López in placing the confidential dispatches of the Uruguayan Government in the hands of Mitre. Lapido was appalled when he learned of this decision but lacked the frankness to state why he objected. He contented himself with urgently requesting Berges to delay sending the note and enclosures. Berges agreed, though declaring

³¹Lapido to Berges, Asunción, September 2, 1863. Text and translation, enclosure in dispatch of Washburn to Seward, Asunción, October 6, 1863. State Department MSS, Paraguay Diplomatic, 1.

³²Berges to Elizalde, Asunción, September 6, 1863, Rebaudi, *La declaración de guerra*, p. 137.

himself at a loss to understand this "extraordinary step."⁸³ A confused correspondence ensued in which Lapido apparently urged the Paraguayan Government to digest the contents of the Uruguayan notes in its dispatch but not to send the originals. The only effect, he hinted, would be to compromise still further the relations of Uruguay and Argentina. Apparently Berges was most seriously concerned by the fact that his foreign office records would in some way be thrown out of gear if a note dated September 6 was delayed by a subsequent note from a third party. That would show presumably that the Paraguayan Government had not acted *motu proprio*.⁸⁴ José Antonio Saraiva later remarked acidly in one of his dispatches that Lapido "takes all the airs of a great statesman and without possessing superior talents is also entirely lacking in experience of public affairs."⁸⁵ Like all second-rate politicians Lapido conceived the duty of a statesman to be the cultivation of an entire absence of candor. His duty to his Government was to prevent the immense indiscretion López was about to commit, if necessary by the strongest and most vehement protests. He seems to have contented himself with circumlocutions which merely produced general misunderstanding that culminated on his request that the Paraguayan note be not dispatched until he could hear from his Government. The Paraguayan Government resolved to send the dispatch and enclosures on September 21, leaving the date unchanged. Berges wrote:

The object of this Minister [Lapido] is to hold up the note to the Argentine Government, until he has an answer from his Government; but my Government in dignity and fitness cannot remain dependent on the Uruguayan Legation, much less when events may be precipitated in the Río de la Plata. If General Flores suffers defeat, if the Foreign Ministers in either of the cities on the banks of the Plata make a move for the protection of that Government, if Entre Ríos pronounces against the Argentine Government, without the voice and co-operation of Paraguay being felt, we shall not cut a pretty figure in the eyes of the world. For these reasons of dignity and foresight His Excellency the President has determined to forward by the packet that leaves today the com-

⁸³Berges to Egusquiza, Asunción, September 6, 1863, *ibid.*, p. 88.

⁸⁴*Ibid.*, pp. 89-90.

⁸⁵Saraiva, Confidential dispatch July 5, 1864, *Correspondencia e documentos relativos a missão* Saraiva, p. 57; Lobo, *Antes da guerra*, p. 185.

munications for the Argentine Government of which I spoke in my last of the sixth of this month and included copies³⁶

It is difficult to believe that this diplomatic stroke was a mere piece of hasty bungling on the part of Berges and López. The fact that this dispatch was dated September 6, four days after the receipt of Lapido's note, is not a proof of any lack of reflection on the part of López, since it was his policy to make foreign diplomats put as much as possible of their representations on paper, and Lapido had been for some time accusing Argentina of the offenses against international law charged in his note. Both López and Berges had for years handled international negotiations, and it is impossible that they can have failed to imagine the effect upon Mitre of this revelation of the profound hostility of the Blanco politicians in Montevideo. The charge often made that López was "inexperienced" in international negotiations will not bear the slightest examination.³⁷ He was undoubtedly well informed. Egusquiza in Buenos Aires and Brizuela in Montevideo kept him constantly posted on the most trivial events, and there were other even more unofficial correspondents. The sort of preoccupations that engaged his attention at the moment are indicated by Berges. If anything decisive happened before Paraguay's voice were heard, if, for instance, Urquiza at the head of his Entre Ríanos struck a blow at Buenos Aires, or the foreign diplomats settled the Argentine-Uruguayan crisis, "we shall not cut a pretty figure in the eyes of the world." Hence the decision to send the war-steamer *Tacuarí* to Uruguayan waters in October, 1863; hence, too, Berges' eager questions to Egusquiza—what news of Urquiza, what news of López Jordán and other Entre Ríano chiefs?³⁸

The decision to send the originals of the Uruguayan dispatches to the Argentine Government with a request for explanations, it seems reasonable to suppose, was dictated by the desire to prevent any settlement of the Argentine-Uruguayan quarrel and even to precipitate a crisis, not, however, in order to make war

³⁶Berges to Egusquiza, Asunción, September 21, 1863, Rebaudi, *op. cit.*, p. 90.

³⁷As in Beverina, *La guerra del Paraguay*, I, *passim*.

³⁸Berges to Egusquiza, Asunción, September 6, 1863, Rebaudi, *op. cit.*, p. 88.

inevitable, but, by the double effect of revealing the intrigues of Uruguay and the good faith and transparent candor of Paraguay, to insure an invitation to President López to assume the rôle he had played in 1859 of pacificator of the Río de la Plata. Paraguay must be noticed; "she must cut a pretty figure" at all costs. In this way it is not difficult to see why López and Berges feared and hated Don Andrés Lamas, who more than any other was likely to reconcile Mitre and the Blancos, who dared to despise the Paraguayan Government, whose opinion was shortly revealed when he exclaimed that one might as well invite China to mediate as Paraguay.

The effect was to increase the tension between Montevideo and Buenos Aires and to arouse the suspicions of Mitre as to the intentions of López. The situation in the Argentine provinces was dangerous, and it was necessary, if possible, to humor López, but the great Argentine statesman had not the slightest intention of allowing his restless neighbor to set up as an international court of appeal. Elizalde replied by thanking the Paraguayan Government for its friendly action and declaring the readiness of Argentina to give "friendly explanations" on the subject of her relations with Uruguay. He declared that his Government had attempted to prevent the outbreak of civil war in Uruguay and, after it had been precipitated, had preserved the "strictest neutrality . . . The Argentine Government cannot accept the accusations, unjust and offensive to its dignity, that ill-advised counsels have induced the Uruguayan Government to bring against it."³⁹

At the same time Mitre wrote to López that it would be impossible to proceed with the negotiations for a boundary agreement until this official request for explanations had been settled.⁴⁰

López, meanwhile, in conversations was "expressing strong reprobation of the conduct of the Argentine Government in permitting men to organize, arm and depart for the avowed and known purpose of invading a friendly state and overthrowing its legally established government."⁴¹

³⁹Elizalde to Berges, Buenos Aires, October 2, 1863, *ibid.*, p. 138.

⁴⁰Mitre to López, Buenos Aires, October 3, 1863, *Archivo Mitre. Guerra*, II, 22-3.

⁴¹Washburn to Seward, Asunción, October 6, 1863, State Department

In reply to the Argentine note, Berges declared it to be unsatisfactory. Paraguay had asked for explanations on specific points; Argentina had replied by denying the charges of Uruguay *in toto*. Since the Paraguayan Government desired explicit information, he recapitulated the charges, the chief of which, in his opinion, was the fact that a revolutionary committee was functioning openly in Buenos Aires aiding Flores with all kinds of supplies, a fact that his Government considered "offensive to the dignity of the Argentine Government and threatening to the preservation of the peace and internal tranquility of all the states of the Río de la Plata" ⁴²

The kind of anticipations current in Asunción at this time is well brought out in a dispatch from the American Minister, who described López' action in asking for explanations as "wise and timely." He wrote:

Should President López openly take the part of Uruguay, then it is probable that the large Provinces of Entre Ríos and Corrientes would rebel against the Confederation. This would lead to a long and desolating war, which I am convinced President Mitre is particularly anxious to avoid as are all the wealthier and better class of people in Buenos Aires. ⁴³

The reiterated demand for explanations was studiously left unanswered by the Argentine Government while Mitre courteously filled the gap of its silence by informing López that he had nominated Marmol Argentine plenipotentiary for the boundary question, at the same time expressing the hope that the question which hindered the opening of negotiations would shortly be settled. ⁴⁴

At this point López lifted the veil for a moment from what may have been an important factor in his obscure plans, or, on the other hand, a mere red herring. On October 6, 1863, the American Minister reported the President's views:

. . . There are so many French and English in the Banda Oriental, or Uruguay that in case of any serious or long continued war President

⁴²Berges to Elizalde, Asunción, October 21, 1863, Rebaudi, *op. cit.*, pp. 141-2

⁴³Washburn to Seward, Asunción, October 27, 1863, State Department MSS, Paraguay Diplomatic, 1.

⁴⁴Mitre to López, Buenos Aires, November 17, 1863, *Archivo Mitre. Guerra*, II, 26.

López fears foreign intervention and that the Imperial philanthropist, Louis Napoleon, may attempt a similar part in the La Plata countries to what he has played in Mexico Hence he is exceedingly anxious that the rebellion in the United States may be speedily put down that our Government may be in a condition to interpose against monarchical aggressions in America.⁴⁵

The suggestion is just a little too clever to be convincing. It was probably intended to anticipate the report the Minister was to make a short time later. "I have reason for believing," he wrote to Seward, "that a great deal of correspondence has recently passed between this Government and the Tuileries."⁴⁶

A possible explanation for this correspondence lies in the extraordinary information imparted to the Minister by López a short time before. He asserted that he had been invited by Dom Pedro II, Emperor of Brazil, to convert Paraguay from a Republic into an Empire and himself to assume the Imperial Crown.⁴⁷ Washburn believed that López had opened negotiations with Napoleon III in order to have his diplomatic support in the event of the Argentine Republic showing any resentment. Rumors of an impending change of Government in Paraguay began to spread both in that country and in Argentina, and López made no attempt to contradict them. The British Chargé at Buenos Aires wrote:

It has been reported to me that the President of the Republic of Paraguay has made application to the Governments of England, France, and Brazil to know, if in the event of his being called upon by the nation to assume the title of Emperor, and to accept for his family the hereditary succession to the throne, the three Governments above mentioned would recognize him in his new position. I have further been informed that President General López has already received a favorable reply from the Brazilian Government M de Bécour [the French Minister] to whom I spoke on this subject, told me that he had also heard a report to the same effect which he had written to his Government by today's mail, but that he was totally unable to say whether such an application had really been made to the French Government, he thought there was even some probability of the truth of this rumor. From what I observed of His Excellency the President's character while at Asunción I am also led to

⁴⁵Washburn to Seward, Asunción, October 6, 1863, State Department MSS, Paraguay Diplomatic, 1.

⁴⁶Washburn to Seward, Asunción, November 21, 1863, *ibid.*

⁴⁷Washburn to Seward, Asunción, November 3, 1863, *ibid.*

believe the report is not without foundation . . . I was informed General López is already assured of the support of the Emperor of the French.⁴⁹

Two months later the American Minister in Buenos Aires wrote:

. . . I have just learned from what seems to be a reliable source that López intends to declare himself Emperor on the first of January, and that he is to be recognized by France and Brazil. Many think there is something of this going on . . .⁵⁰

Washburn, writing of his visit to the Río de la Plata, reported:

At Buenos Aires the rumors were so current that the form of this Government was soon to be changed to an Empire that I hurried back sooner than I intended . . . But on my return I found no signs of an immediate change, though the impression seems to be general that it will be made sooner or later. The French Consul here informed me that certain plate, fixtures, and paraphernalia have been ordered from Paris that would hardly be required unless such change were in contemplation.

The good American Republican decided to take the bull by the horns and asked López point blank if he proposed changing Paraguay into an Empire, but "he declined expressing himself on the subject in any manner."⁵¹

Whether López seriously entertained transforming the Paraguayan Republic from a monarchy in fact to one in form or not, there were many reasons why he should delay action at this time. His relations with Argentina were rapidly becoming worse. The fact that Argentina rejected him as joint mediator with Dom Pedro, named in the Lamas-Elizalde Protocol of October 20, greatly offended him, though Berges professed to be entirely favorable to the direct negotiations of Argentina and Uruguay.⁵²

At this moment vitally important information passed into the hands of Mitre. Dr. Lorenzo Torres visited him to assure him that López had merely offered Uruguay his mediation, nothing

⁴⁹Doria to Russell, Buenos Aires, October 12, 1863, F. O., 6246, despatch no. 96, which was immediately forwarded to Paris by Lord Russell with a request for information. He was informed that no such proposal had been made to the French Government. (Russell to Thornton, December 30, 1863, F. O., 6244.)

⁵⁰Kirk to Seward, Buenos Aires, December 12, 1863; State Department MSS, Argentine Republic Diplomatic, 14.

⁵¹Washburn to Seward, Asunción, January 20, 1864; State Department MSS, Paraguay Diplomatic, 1.

⁵²Berges to Egusquiza, Asunción, November 21, 1863, Rebaudi, *op. cit.*, p. 92.

else. To prove this Dr. Torres showed him copies of all correspondence between Paraguay and Uruguay up to November 20, 1863. In addition he revealed that in order to win effective Paraguayan co-operation the Montevidean Government had offered López the Island of Martín García, and that López through his Confidential Agent, Brizuela, through whom the offer had come, had decisively rejected this suggestion. Dr. Torres claimed that, having seen in the journals that Paraguay was disposed to protect Uruguay, he had called on his friend López to find out the exact position, and had then decided to inform Mitre, although not authorized to do so by López.⁸² Since once again we find an attempt being made to compromise Montevideo with Buenos Aires, we have a right to doubt whether Dr. Torres came armed with all those documents and exact information unauthorized. In fact the decision to take Mitre into his confidence (assuming that López knew of Torres' "self-imposed mission") may have been defensive to avert the effects of another wind-fall of information. About this time Mitre became aware either of the text or of the substance of Dr. Lapido's dispatches to his Government. Their contents shed considerable doubt on the Torres version of a decisive rejection by López of the Montevidean overtures for an alliance against Argentina or, more accurately, Buenos Aires.

At this moment two further notes arrived from Asunción, a private letter from López to Mitre and another official dispatch from Berges to Elizalde. In his letter López complains of the long delay in answering the last Paraguayan note demanding explanations. He hoped "that whatever may be the cause, it will not be such as to weaken the relations of sincere friendship and consideration between our Governments."⁸³ The letter reflected a discontent that was general in official circles in Asunción. The Uruguayan Chargé wrote to Herrera:

Señor Berges, talking to me on the silence of General Mitre, gave me to understand that if the Argentine Government, as they expect it to do, sends them the arrangement or agreement drawn up with the Uru-

⁸²Lafuente (Mitre's Secretary) to Mitre, Buenos Aires, December 3, 1863, *Archivo Mitre. Guerra*, II, 28.

⁸³López to Mitre, Asunción, December 5, 1863, *ibid.*, p. 27.

guayan Government as their only answer, the Paraguayan Government will not be satisfied with this reply and will carry its measures further. I deduced this from the words of Señor Berges; he did not speak so clearly and definitely. It seems that they are very disgusted with the way Mitre treats them. He neither answers them nor sends them the Agent advertised. You who know the terms of the Paraguayan reply, the extreme susceptibility of these gentlemen and the present fact that they have not been answered, will be able to guess the way in which they talk of Mitre on this occasion.⁴⁴

This irritation showed itself in a further note from Berges to Elizalde. He drew attention to the facts that he had received no answer to his note of October 21 and that in the meanwhile the Uruguayan Government had forwarded further proofs of violations of Argentine neutrality. He proceeded to formulate them and enclosed the proofs and affirmations with his note. They make a formidable array consisting of letters purporting to prove the connivance of the commandant of the Argentine warship *Pampero*, Don Pedro Juan Carreras, with forces of General Flores; the presence on board of Colonel Bernardo Dupuy on his way to join Flores; the fact that on October 28 and November 3, 1863, two small expeditions of volunteers for Flores had left the principal wharf of Buenos Aires in the presence of a large crowd and with the tolerance of the authorities; gun-runners captured had on board rifles bearing the official stamp of the Buenos Aires artillery-park; the presence of a revolutionary committee in Buenos Aires, which was allowed to operate in the interests of Flores in spite of arranging the two expeditions. To complete the indictment Berges named the members of the Revolutionary Committee.⁴⁵ He concluded by saying that such events could not but call the attention of Paraguay, who hoped that the Argentine Government would give such explanations as would remove the painful impression made.⁴⁶

The Argentine reply was swift. Mitre wrote in his usual suave and effective style:

⁴⁴ Brito del Pino to Herrera, Asunción, December 5, 1863, in Herrera, *La diplomacia oriental*, III, 345-46.

⁴⁵ Dr. Fermin Ferreyra, Colonel Pozola, Pedro Bustamante, José Pedro Ramírez and Benjamin Ellaui.

⁴⁶ Berges to Elizalde, Asunción, December 6, 1863, Rebaudi, *op. cit.*, pp. 143-44.

Though we received the first note on this matter and answered it at once in the most friendly sense; the second, likewise the last that relates to the subject, were not of such a nature as to elicit official answers that would set us on the best course to establishing the most complete understanding, although, on the other hand, they could in no way disturb or chill our good relations . . .

He concluded by suggesting that he should send a Confidential Agent who could discuss the points raised verbally, achieve a friendly adjustment and so "enable us to occupy ourselves as soon as possible with the matters that are more interesting to us" He suggested Dr. Torres as a suitable substitute for Marmol, who was about to leave on a mission to Brazil, since he gathered that Dr. Torres was *persona grata* with López.¹⁷

The Argentine counter-blast came in the shape of a note from Elizalde to Berges. The Argentine Foreign Minister wrote that he was engaged in preparing an answer to Berges' notes of October 21 and December 6 "when it came to the knowledge of the Argentine Government that the Uruguayan had attempted to create the most serious complications for it with the Government of Paraguay."

While the Argentine Government did not doubt that Paraguay had rejected these overtures, yet:

. . . confronted by the policy of the Uruguayan Government it is necessary to take up a position that cannot even remotely compromise the dignity or sovereignty of the Argentine Republic, and His Excellency the President has ordered the undersigned to write to Your Excellency to inform you that in order to answer conveniently Your Excellency's notes of October 21 and of the 6th instant, that he has had the honor of receiving, he would be glad if Your Excellency would be good enough to acquaint him with what the Uruguayan Government has requested or proposed to that of Paraguay relative to its policy towards Argentina.¹⁸

The accuser was now accused, and Paraguay was asked for explanations. To this Berges replied rather lamely that Uruguay had only asked for the good offices of Paraguay: "without entering on the considerations which gave rise to the request of Your Excellency on what might have taken place between this Government and the Uruguayan, I will only say to Your Ex-

¹⁷Mitre to López, Buenos Aires, December 15, 1863, *Archivo Mitre. Guerra*, II, 29-30.

¹⁸Elizalde to Berges, Buenos Aires, December 16, 1863, Rebaudi, *op. cit.*, p. 144.

cellency that my Government cannot consider such matters other than private transactions between it and the Uruguayan state." Even if the Argentine supposition were well founded, "I do not think the friendly explanations I have asked should be made to depend on the counter-explanations that Your Excellency solicits in your note of December 16." He wound up by again requesting explanations on the points formulated by Paraguay.⁶⁰

The Argentine request for information on the overtures of Uruguay crossed two more Paraguayan communications. On December 20, 1863, López addressed a long letter to Mitre recapitulating the report of Torres on his visit to Mitre "without authorization or instruction of any kind on my part." Torres had written that Mitre feared that the good relations of Paraguay and Argentina had been chilled by the information he had received of Dr. Lapido's reports. López continued:

I cannot see how the letters of Señor Lapido have been able to compromise the credit of this Government. I am ignorant of their contents. Neither can this Government be responsible for these letters written by a foreign diplomatic agent and consequently not subject to its influence. . . ."

As for Paraguay, she still adhered to her traditional policy of neutrality in the internal affairs of neighboring states.⁶¹ He continued in an irritable tone that he could not see any difficulty in answering Paraguay's notes or the necessity of a confidential mission on the subject; "nevertheless this Government will receive the mission Your Excellency wishes to send with this object, expecting that in such a case it will not be confidential and that the explanations will not be conditional."⁶²

Such a reply, at once naïve and insolent, at least revealed that López had asked a question and was bent on getting an answer. Paraguay proposed to sit in judgment on her neighbors, and though she asked for explanations with the monotonous reiteration of a cuckoo-clock she did not propose to vouchsafe any in her turn. It was just because Dr. Lapido's reports could and

⁶⁰Berges to Elizalde, Asunción, January 6, 1864, *ibid.*, pp. 149-50.

⁶¹López to Mitre, Asunción, December 20, 1863, *Archivo Mitre. Guerra*, II, 39.

⁶²*Ibid.*, p. 37.

⁶³*Ibid.*, p. 38.

did compromise the Paraguayan Government and because Urquiza had sent some of López' letters to Mitre⁸⁸ that the Argentine Government had every right to ask for explanations and to decline to discuss the Paraguayan notes until it knew whether it was dealing with a friend or an enemy. The truth was that López had been caught out and was trying to bluff his way back to his original position of a benevolent mediator.

By the same packet arrived another maladroit note from Berges calling attention to the fact that he had received no answer to his note of October 21. In the meantime the Paraguayan Government had learned that Argentina was fortifying the Island of Martín García and that the Argentine forces that had been operating in the interior against the rebel General Peña-loza had been ordered to the coast:

My Government trusts . . . that their presence on the coast in conjunction with the warlike preparations in progress on the Island of Martín García will not influence the pacific conclusion of the questions that exist between that Republic and Uruguay, and that they will in no way compromise the fullest independence of any State of the Plata, upsetting the balance of power, the guarantee of the independence of all"

Elizalde at once replied that "the precautionary measures" complained of had been taken because of the strained relations between Uruguay and Argentina "and the undersigned has the pleasure of assuring you that they in no way affect and cannot alter the good and cordial relations that it [the Argentine Government] is happy to maintain with the Government of Paraguay."

He pointed out that the complaints of Uruguay against Argentina had already been settled by the Lamas-Elizalde Protocol of October 20 (by the declaration that "the documents of the Uruguayan Government have not called in question the honor of the Argentine Government"). For the settlement of the subsequent unfortunate incidents between the two Governments, both had accepted the good offices of Mr. Thornton, the British Minister. As soon as this mediation had been concluded "the undersigned will be able to give the most friendly explanations

⁸⁸López to Mitre, Asunción, December 20, 1863, *ibid.*, pp. 35-6.

⁸⁹Berges to Elizalde, Asunción, December 21, 1863, Rebaudi, *op. cit.*, p. 145.

and will be glad to offer them to the friendly Government of Paraguay in order to strengthen their relations for the prosperity and harmony of the respective countries¹⁰⁵

Once again Paraguay had been told quite plainly to mind her own business.

Mitre accompanied the rebuff with a long and tactful letter pointing out that at the moment of answering the Paraguayan dispatches most serious information had reached the Argentine Government of the intrigues of Uruguay to win Paraguay to co-operate in her plans against "the internal peace and the integrity of the Argentine nation." It was therefore necessary to ask for explanations; that he had never desired to exclude Paraguayan influence from the Río de la Plata and for that reason had invited López to enter an entente with Argentina. Mitre would have been glad to have placed López' name in the Protocol of October 20, "had Your Excellency previously troubled to let me know in any way what was your disposition in this respect." After the Protocol had been signed Lapido's dispatches arrived. They informed his Government that Paraguay could be counted on as an ally, and that "if her mediation or arbitration were not accepted by us, that would be a motive for Paraguay to assume the attitude of a belligerent It was then that the Uruguayan Government desired to modify or add to the Protocol already signed by both parties and approved by us"¹⁰⁶

Whether or not the motives of the Uruguayan Government in trying to insert López as a mediator together with the Emperor, named in the Protocol of October 20, were as sinister as Mitre had reason to believe they were, López had certainly no reason for complaining of any lack of candor on Mitre's part. This letter is the measure of the great Argentine's desire for peace.

On January 6, 1864, Berges returned to the charge with the persistence of an angry fly. He again demanded "explanations." On January 16, Elizalde quietly reiterated the Argentine position: The Argentine Government hopes, on the conclusion of the pending negotiation with the Uruguayan Government, to have an opportunity

¹⁰⁵Elizalde to Berges, Buenos Aires, December 31, 1863, *ibid.*, pp. 146-7.

¹⁰⁶Mitre to López, Buenos Aires, January 2, 1864, *Archivo Mitre. Guerra*, II, 49.

of presenting to the Government of Paraguay as a testimony of its sincere friendship the most considerate and ample explanations on all the incidents that have taken place with the Uruguayan Government and counts on the loyalty, prudence and moderation with which it has acted being recognized. It has saved the honor and sovereignty of its country without undertaking acts of aggression that might have been justified by the principles of international law but which it has subordinated to political considerations of another order⁶¹

On February 6, 1864, López replied at some length to Mitre's letter of January 2, and protested the loyalty of his intentions in forwarding the Uruguayan complaints. He explained that he would have been satisfied with the confidential assurances Mitre had already given, but official action by Uruguay necessitated official action by Paraguay and it would have been lacking in loyalty to Uruguay as well as to Argentina not to have done so. He again pointed out the painful impression that the fortification of Martín García had created, in view of the fact that the Island was used as a base to block the movements of Uruguayan war-vessels. He concluded by refusing to accept the confidential mission of Dr. Torres that Mitre had proposed. López made clear with courteous ambiguity that had the explanations asked for been given Dr. Torres could have come, but he was not going to accept anything less than what he had asked. He had asked officially for explanations—he was not going to have a confidential mission palmed off on him.⁶²

On the same day, José Berges, the other voice of López, spoke again. He recapitulated the correspondence. Berges wrote of the result of Paraguay's request for explanations as being:

. . . an absolute silence of ten weeks, the strange request that this Government should reveal what it had discussed with the Uruguayan relative to the Argentine Government and the postponement of the friendly explanations It is evident to this Government that, without regard for the pending negotiations, the Uruguayan state is forbidden the navigation of its own waters for its three warships by the fortification of Martín García and the concentration there of Argentine warships. Thus the independence and sovereignty of Uruguay are coerced without a declaration of hostilities, which makes it impossible for her to intercept

⁶¹Elizalde to Berges, Buenos Aires, January 16, 1864, Rebaudi, *op. cit.*, p. 151.

⁶²López to Mitre, Asunción, February 6, 1864, *Archivo Mitre. Guerra*, II, 55-6.

the reinforcements that General Flores is now receiving publicly from Buenos Aires In these circumstances I hereby discharge the painful duty of declaring that my Government, confronted with the necessity of doing without the friendly explanations it had requested from Your Excellency, will in future be guided solely by its own appreciations on the significance of the events that may compromise the sovereignty and independence of Uruguay, to whose fate it cannot be indifferent both from considerations of national dignity and from the point of view of its own interests in the Río de la Plata.²⁸

The Paraguayan Government, or rather López, for the distinction between official and unofficial actions is particularly unreal in his case, at the end of five months' diplomatic activity had been headed off and confounded at every turn by the firmness and skill of Mitre, who was quite determined not to tolerate the good offices of a bad neighbor. López, his bluff having been called, could only retire to commune with his "own appreciations" of the situation. But not before Mitre had delivered a Parthian shot:

If the policy of the Argentine Government has been, is and will be neutrality in the affairs of Uruguay, it is because this policy is that which meets its convenience and which in its counsels it has resolved to observe in the interests of its own good and of the peace of the Río de la Plata. But in deciding for this policy it has done so by an act of its free and spontaneous will, since, as a sovereign nation, it could have followed another and diametrically opposite course without having to give account to anyone of its conduct—above all if the legitimate right of defense had constrained it to that extremity We said this to the Empire of Brazil when it appeared to desire to restrain our freedom of action in that sense. We informed it in the most categorical terms that even if we desired peace and did not want to make war we did not recognize in the Empire of Brazil the right to interpose between our justice and the Uruguayan state if in any case it should suit our interests to levy war. Brazil, through her Minister Plenipotentiary, recognized this by informing us that the Uruguayan state was deceiving itself if it believed that, in such circumstances, she would co-operate with it in war in order to oppose the free exercise of our sovereignty as a nation. Your Excellency knows how we answered all the European Ministers—returning their notes to them every time they approached us in an official way to ask for explanations on a neutrality that we had declared and that we were resolved to maintain. Notwithstanding, we have given such explanations whenever they were asked of us in a private and friendly way

²⁸Berges to Elizalde, Asunción, February 6, 1864, Rebaudi, *op. cit.*, pp. 155-7.

As for the fortifications of Martín García, Argentina had as much right to them and as much right to expect others not to regard them as a menace, as had Paraguay to the fortifications of Humaitá.⁷⁰ It was a shrewd and stinging thrust that pierced the thick hide even of a vanity as obtuse as that of López. The patience of Mitre had held until Berges concluded his pompous disquisitions by resuming for Paraguay her liberty of action. There could be no mistaking this classic formulation of national independence. Mitre would discuss with no one the vital interests of Argentina as a right. He was ready, as always, to offer as a friendly act to give all the assurances that could legitimately be expected. He would answer to no imperious summons, least of all to one from the Sultan of Asunción. The British Minister at Buenos Aires wrote:

The real cause which induces Paraguay to hold this language is doubtless her fear that should the Argentine and Uruguayan Republics be governed by parties allied in their political feelings, her position may be relatively weakened, and that the coercive measures now adopted by the Argentine Government in preventing Montevidean vessels of war from passing Martín García may some day be used against Paraguay.⁷¹

As to the fortification of Martín García, Thornton reported that it was being carried on with comparative activity, that 600 men were employed on the works and that 26 guns were already on the Island. "The works upon which these are to be mounted," he reported, "are in a forward state . . . I have reason to believe that this measure has been adopted as a precaution against any hostile intentions on the part of the Republics of Uruguay and of Paraguay." Since he saw no violation of any treaty in the fortification of Martín García he had made no representations on the subject.⁷²

The failure of Mitre to come to any agreement with López served to accentuate the general ill-feeling between their countries which was fed by rumors:

⁷⁰Mitre to López, Buenos Aires, February 29, 1864, *Archivo Mitre. Guerra*, II, 58-9.

⁷¹Thornton to Russell, Buenos Aires, February 20, 1864, F. O., 6 250, despatch no. 19

⁷²Thornton to Russell, Buenos Aires, March 24, 1864, F. O., 6.250, despatch no. 25.

The mingled feeling of enmity and contempt felt by the people of the Argentine Republic towards Paraguay and especially the López dynasty has been greatly intensified lately by the rumors that the form of government here was to be changed to that of an Empire. Nevertheless the indications here are that that change will be made. The President is building a new palace of grand dimensions which it is supposed is to be the imperial residence, and Buenos Aires papers report the purchase of a crown in Paris giving particulars of its cost and design. But as it is said that it is the same crown made for His Ethiopian Majesty, Faustin the 1st, it may be that the report is only got up to burlesque the whole affair¹⁵

This atmosphere of strain had been noted several months before. "By the Argentine Government," wrote the British Chargé at Buenos Aires, "that of Paraguay is viewed with jealousy and much ill-feeling, bitter articles in the press of this country frequently appear, written against Paraguay."¹⁶

The ill-feeling showed itself when Fray Pelichi, Prefect of the Argentine Missions in the Province of Salta, visited Asunción with a proposal for a settlement on the banks of the Bermejo. The Paraguayan Government declined to consider the matter.¹⁶ "It amuses me," wrote Berges shortly afterwards, "that rumors have been flying around in Buenos Aires that a Paraguayan force has invaded the Misiones. Perhaps one day the news will be true—and then they will dally over believing it."¹⁶

In February, 1864, López in effect replied by ordering a general conscription throughout Paraguay. In March he established a military camp at Cerro-León in the district of Pirayú, where 30,000 men between the ages of sixteen and fifty were drilled. At the same time recruits were concentrated for intensive training at various other widely scattered points: 17,000 at Encarnación, 10,000 at Humaitá, 4,000 at Asunción and 3,000 at Concepción. In all some 64,000 men were trained in the six months between February and August, 1864, not including 6,000 who died during that period.¹⁷ On March 6, 1864, Berges wrote to

¹⁵Washburn to Seward, Asunción, March 5, 1864, State Department MSS, Paraguay Diplomatic, 1.

¹⁶Doria to Russell, Buenos Aires, October 12, 1863, F. O., 6.246, despatch no. 96.

¹⁷López to Egusquiza, Asunción, May 6, 1864, Rebaudi, *op. cit.*, p. 221.

¹⁸Berges to Egusquiza, Asunción, May 21, 1864, *ibid.*, p. 102.

¹⁹Thompson, *The War in Paraguay*, p. 17.

Egusquiza that the crops had been good, though the harvest had felt the effects of the conscription slightly. The military preparations "are *precautionary measures* as they call them down there when they fortify the Island of Martín García or recall troops from the interior to the coast."⁷⁸ On April 21, he wrote that López and his staff had just returned from the new camp at Cerro-Leon. Berges was impressed and delighted by the enthusiasm of the recruits. He thought the camp would shortly be the best in South America and announced that a new levy of recruits had just been ordered.⁷⁹ He had already reported that "a stream of war-supplies, instructors, and officials was going by the railroad to the camp."⁸⁰ On March 6, Berges had written that 6,000 recruits were training at Pirayú; on May 21, the number had risen to 14,000—the railway was being pushed forward so that shortly the camp itself would have a station of its own.⁸¹ On June 6, he asked for information as to the objects of the Saraiva mission to Montevideo and continued:

... the camp of Humaitá has been reinforced with 3,000 recruits, and in that of Santa Teresa, Villa de la Encarnación and on the northern frontiers there has been heavy recruiting; in fact, the whole country is arming, and you may count on us putting ourselves in a position to make the voice of the Paraguayan Government heard in the events that are developing in the Río de la Plata, and perhaps we shall succeed in unravelling the dark and murky policy of Brazil⁸²

The American Minister wrote a month later:

President López is still making great efforts to increase his military forces. He affects to believe that Buenos Aires and Brazil are meditating harm towards him and has an army far beyond what the country can long support. The more probable conclusion is that he intends to have powers enough at his disposal on assuming the imperial purple to resist any offensive demonstration on the part of his Republican neighbors.⁸³

On September 21, 1864, Berges wrote that Paraguay was prepared for any event "with more than 30,000 men of the three

⁷⁸Berges to Egusquiza, Asunción, March 6, 1864, Rebaudi, *op. cit.*, p. 97.

⁷⁹Berges to Egusquiza, Asunción, April 21, 1864, *ibid.*, p. 101.

⁸⁰Berges to Egusquiza, Asunción, April 6, 1864, *ibid.*, p. 100.

⁸¹Berges to Egusquiza, Asunción, May 21, 1864, *ibid.*, p. 102.

⁸²Berges to Egusquiza, Asunción, June 6, 1864, *ibid.*, p. 103.

⁸³Washburn to Seward, Asunción, July 5, 1864, State Department MSS, Paraguay Diplomatic, I, no. 32.

arms in barracks and 14,000 veterans on leave and ready to re-join the colors at the first call."⁸⁴

The essential point that emerges from this evidence of the military preparations of Paraguay in 1864 is the fact, much obscured by the later sequence of events, that the general mobilization was at first directed against Argentina and not Brazil. We have seen that the negotiations with Mitre and the Argentine Government came to an end in February, 1864, with Mitre's firm refusal to give López the "explanations" which would have admitted him into the Argentine-Uruguayan negotiations. The same month López ordered the general levy—in other words two months before Saraiva received his fatal instructions and certainly before Brazil had given any indication that she would conclude the claims against Uruguay by armed intervention. On April 6, 1864, Berges wrote that he had heard on good authority that one of the commissions of Señor Marmol on his mission to Rio de Janeiro was "to secure an agreement between the Argentine and Brazilian Governments in order to prevent Paraguay from continuing to develop her policy in the Río de la Plata. That he is also to attempt an agreement between the two Governments for the settlement of outstanding frontier questions with the Government of the Paraguayan Republic . . ."⁸⁵

Here the old fear that Argentina and Brazil were plotting against Paraguay reappears, but the first thought is not fear for her territorial integrity, but that the coalition may block the development of her policy in the Río de la Plata.

You may count on us putting ourselves in a position to make the voice of the Paraguayan Government heard in the events that are developing in the Río de la Plata.

Here we have the main preoccupation; not as was later to be represented, fear for the territorial integrity and independence of Paraguay, but plans for a "forward policy," a claim to "a place in the sun," a sounding-board for the voice of Francisco Solano López. It is a return to 1859 and his mediation between the Confederation and Buenos Aires. On that occasion López told the Uruguayan publicist and poet, Dr. Alejandro Melgar-

⁸⁴Berges to Egusquiza, Asunción, September 21, 1864, Rebaudi, *op. cit.*, p. 110.

⁸⁵Berges to Egusquiza, Asunción, April 6, 1864, *ibid.*, p. 99.

ños Cervantes, whom he had met in Paris, that he did not consider remote the moment of a conflict in the Río de la Plata which would make inevitable the participation of Paraguay "called," he said, "to be a weighty factor in the balance of power of these anarchical peoples (*llamado . . . á pesar en la balanza de estos pueblos anarquizados*)."⁸⁶ He was prepared to make war not in defense of the Republic threatened by the *Einkreisungspolitik* of her neighbors, as he was to pretend, but for his right "to make his voice heard in the affairs of the Río de la Plata." It is the revelation of a policy diametrically the opposite of that which had enabled Dr. Francia to create Paraguay and Carlos Antonio López to consolidate the nation-state. It was, in a word, a policy of adventure, as all such claims to a "place in the sun," and a right to make one's voice heard and "national dignity" must always be. The Greeks would have called it a policy of Hubris. It was not based on an exact appraisal of the national interests, but on a purely romantic, one might say Fascist, estimate of the national worth, the national power, the important position that so worthy a nation ought to occupy—an importance estimated in terms of the fear and deference of neighbors. The decision to call a general mobilization was made on the fiasco of a diplomatic attempt to vindicate that purely imaginary position of importance. The mobilization meant that López wanted to do something—what it would be exactly he did not know. There was a lull in the Uruguayan crisis; when it began again he would have the means of "making his voice heard." He had not long to wait.

A new situation was created by the Saraiva mission. At the end of May during the crisis caused by the first exchange of notes between the Brazilian statesman and Herrera the latter asked Paraguay to mediate. On June 17 Berges dispatched a special messenger to Rio de Janeiro with a note informing the Brazilian Foreign Minister of the Uruguayan invitation and of Paraguay's acceptance. A similar intimation was conveyed to Saraiva. The note⁸⁷ though courteously worded was singular-

⁸⁶Decoud, "Solano López," in *Revista de derecho, historia y letras*, VII, 212-13, note.

⁸⁷Benites, *Anales diplomático y militar de la guerra del Paraguay*, I, 92, López to Egusquiza, Asunción, June 17, 1864. Rebaudi, *op. cit.*, p. 223.

ly maladroit. Berges did not seem to realize that mediators are not appointed by one of two contending parties but by two. He did not trouble to tender his good offices, he merely announced that the Paraguayan Government had accepted the charge of acting as mediator in the dispute between Brazil and Uruguay. Apart from the question of form, the Saraiva-Thornton-Elizalde mediation seemed to be on the point of complete success. Accordingly Saraiva briefly informed Berges that, having every reason to believe that he would succeed in achieving an amicable settlement of the questions between Brazil and Uruguay, "it appears to me that for the present the mediation of the Paraguayan Government though highly appreciated by the Government of His Majesty is useless."⁸⁸

The Brazilian Foreign Minister, João Pedro Dias Vieira, replied on July 7 that the Imperial Government was in complete agreement with the note of Saraiva to Berges on the subject but "begged His Excellency to be good enough to be the mouthpiece to his Government of the sentiments of gratitude and appreciation with which the noble procedure of the Republic had inspired the Government of His Majesty the Emperor."⁸⁹

Even the Montevidean Government no longer thought mediation necessary. Once again López had been severely rebuffed, though presented at the same time with an exquisite verbal bouquet by Brazil.

On August 25 the Uruguayan Minister in Asunción, Vazquez Sagastume, informed the Paraguayan Government of Saraiva's ultimatum and of the resulting rupture and again formally requested its intervention. On August 30 Berges addressed a note to the Brazilian Minister in Asunción, César Sauvan Vianna de Lima, who had just arrived, deploring the ultimatum of Saraiva and the rejection of the arbitration proposed by Herrera. He went on to say that Paraguay would not look on with indifference at the execution of the threatened reprisals. She could not consent "to the occupation either temporary or permanent by Brazilian forces of the territory of the Republic of Uruguay." He continued:

⁸⁸*Relatorio*, 1865, Anexo I, p. 171.

⁸⁹*Ibid.*, p. 172.

His Excellency the President has ordered the undersigned to declare to Your Excellency . . . that the Government of the Republic of Paraguay would consider any occupation of Uruguayan territory by imperial forces for the reasons set forth in the ultimatum of the fourth of this month . . . as an attack upon the balance of power of the States of the Plata, which interests the Republic of Paraguay as the guarantee of its security, peace and prosperity. That Government protests in the most solemn manner against such an act, disclaiming at once all responsibility for the ultimate consequences of the present declaration."⁹¹

In a spirited reply the Brazilian Minister reviewed the Brazilian case against the Montevidean Government and the course of events and concluded by asserting that the Imperial Government in the pursuit of its policy "will allow no consideration to hinder it in the discharge of the sacred duty that is incumbent upon it to protect the life, honor and property of the subjects of His Majesty the Emperor."⁹²

Berges replied on September 3 by reiterating that the Paraguayan protest would be carried into effect if the coercive measures foreshadowed by the ultimatum were undertaken.⁹³ In conversation with Berges, Thornton, who had arrived at Asunción with Senhor Vianna de Lima on August 24 to present his credentials to López as Minister to Paraguay as well as to Argentina, tried to convince him that Brazil was seeking only reparation from Uruguay and nourished no designs of conquest:

I manifested my conviction that Brazil had no intention, at least for the present, of attempting to absorb or assail the independence of the Republic of the Uruguay, and that I considered every nation had an inherent right to insist upon satisfaction for injuries done to her subjects, even though it should be at the expense of a war or of a temporary occupation of territory belonging to the aggressor.⁹⁴

On September 14 Berges in a note to Vianna de Lima informed him of the painful impression created in the mind of the Paraguayan Government by the news that the Uruguayan war-steamer, *Villa del Salto*, bringing aid to the town of Mercedes besieged by Flores, had been attacked by a Brazilian corvette:

⁹¹Benites, *op. cit.*, I, 94-6.

⁹²*Relatorio*, 1865, Anexo I, p. 175.

⁹³Benites, *op. cit.*, I, 99-100.

⁹⁴Thornton to Russell, Asunción, September 5, 1864. *Correspondence Respecting Hostilities in the River Plate*, part I, no. 17.

Actions so significant as those of which the Uruguayan Legation gives notice, actions perpetrated in aid of a rebellion, in forgetfulness of the principles of legality the foundation of the dynastic rights of Monarchical governments—have profoundly impressed the Government of the undersigned who cannot do other than confirm by this communication his declarations of August 30 and of the 3rd instant”

In this way the correspondence of Brazil and Paraguay ended. Paraguay continued her preparations, and the Brazilian Government approved on September 22 the reply of Vianna de Lima to the Paraguayan protest of August 30. The instructions to the Brazilian naval commander in Uruguayan waters were enclosed, which the Minister was to use “in bringing home to the Paraguayan Government how unfounded are the apprehensions that its protest reveals.”⁶⁶

Since everything now depended on the course of events, and as Uruguay might at any moment require the assistance of the Government that had declared that it declined to be responsible for the consequences if Brazil dared to invade her, one would anticipate that López would proceed at once to arrange a formal alliance with the Montevidean Government with a view to military co-operation. On the contrary Berghes proceeded on August 30, 1864, to answer Vazquez Sagastume's request for Paraguayan mediation in one of the most extraordinary state-papers ever addressed by a Government to a potential ally. It is a document of inordinate length and reviews point by point the whole course of Uruguayan-Paraguayan relations. Every skeleton was extracted from its proper cupboard; the attempts of Montevideo to convince Paraguay that Corrientes and Entre Ríos might be detached from Argentina; the offer of Martín García to López if he would attack Argentina—everything was catalogued. In conclusion the Paraguayan Government declared that it could not trust the Uruguayan Government sufficiently to ally itself with so shiftily a neighbor. The note is pervaded throughout by a tone of injured vanity and querulous complaint. López accordingly declared that Paraguay would be guided by her own counsels, though he announced that the maintenance of the integrity and independence of Uruguay was regarded by Paraguay as affecting her interests. The note was immediately published in

⁶⁶*Relatorio*, 1865, Anexo I, p. 178.

⁶⁷*Ibid.*, p. 177.

El Semanario and created an immense sensation. The American Minister, Washburn, was so scandalized that he suggested to his colleagues that they present Berges with a joint protest at the outrageous way in which the Paraguayan Government exploited confidential documents.⁹⁶

It is difficult to understand the motives underlying this strange document. Had López wished to make clear to the Montevidean Government that while he regarded the maintenance of Uruguayan integrity and independence as a vital interest of Paraguay he was going to act independently of his protégé, he could easily have done so without reviewing everything that had passed between Paraguay and Uruguay since the first overtures of Dr. Lapido, and above all without immediately publishing the resulting essay. The action was obviously calculated, and it is significant that that frenetic but well-documented apologist and Minister of López, Gregorio Benites, in his *Anales diplomático y militar de la guerra del Paraguay* neither discusses nor mentions this extremely important state-paper. Since the only possible result of this broadcasting of the obscure intrigues of the Blanco Government was the still further estrangement of Buenos Aires and Montevideo, we must assume that this obvious result was intended. At that moment Andrés Lamas was straining every nerve to reconstruct the shattered mediation that had come so near to success a month before. Though Saraiva had withdrawn to Buenos Aires, yet the Brazilian Minister remained at Montevideo. Not until that very day, August 30, did the Blancos precipitate the lowering crisis by handing Alves Loureiro his passports and thus force Saraiva to order the fateful reprisals. As long as Saraiva was in Buenos Aires, Andrés Lamas, whom López looked upon as an enemy, might yet engineer a diplomatic miracle and effect a settlement. Were the efforts of the great

⁹⁶Washburn to Seward, Asunción, September, 1864. State Department MSS, Paraguay Diplomatic, 1. The British Minister at Buenos Aires, Thornton, who had come to present his credentials to López in his joint capacity of Minister to Paraguay, dissuaded Washburn from taking this step. He pointed out that Vazquez Sagastume was the one to do the protesting. On the contrary the Uruguayan diplomat acknowledged the note of August 30 in one of cordial thanks! Thornton to Russell, Asunción, September 5, 1864, F. O., 6.251, despatch no. 73.

Uruguayan to succeed, once again Paraguay would be left out in the cold. If Andromeda and the Dragon were suddenly reconciled where would the latter-day Perseus come in—? In the light of these considerations the note of Berges to Vazquez Sagastume of August 30, 1864, is seen as a dagger aimed at the heart of peace. There was no real need; the Blanco Government did not require speeding on its road to perdition. On returning to Buenos Aires from Asunción, Thornton had several conversations with Elizalde on the revelations contained in the note. He wrote:

His Excellency assures me that although the Argentine Government consider that this conduct on the part of the Montevidean Government of which they had previously been confidentially informed would fully justify the Republic in even declaring war against that of Uruguay, they have determined to use their best endeavors to preserve peace both internal and external . . . His Excellency . . . assures me that should any conflict arise between Brazil and Paraguay on account of the attitude assumed by the latter, the Argentine Government will observe the strictest neutrality, unless forced into hostilities by a provocation to which they could not submit, such for instance as the passage of Paraguayan forces through Argentine territory for the purpose of attacking the Brazilians."

In September, 1864, the first frontier incident took place. There was a clash in Santo Tomé between twenty-four Correntino soldiers and an official with four Paraguayan soldiers, who were pursuing one hundred and sixty head of cattle belonging to a lady who was slipping them over the frontier without paying export duty. The fracas, which created momentary excitement, took place in the disputed Misiones territory.⁹⁸

Early in November we find Berges writing to instruct Egusquiza to find out who are the authors of the insulting articles against Paraguay and her Government appearing in the *Nacional*, *Tribuna* and *Nación Argentina*, newspapers of Buenos Aires. The *Nación Argentina* was the organ of Mitre. "There is an especial interest in knowing who they are," he wrote, "in view of the emergencies that may arise in the future."⁹⁹ The temperature

"Thornton to Russell, Buenos Aires, September 23, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 18.

"Berges to Egusquiza, Asunción, September 21, 1864, Rebaudi, *op. cit.*, p. 110.

"Berges to Egusquiza, Asunción, November 6, 1864, *ibid.*, pp. 112-13.

was rising, but it was against Brazil that public opinion in Paraguay was being chiefly mobilized. The American Minister wrote:

Ever since the arrival of Señor de Lima the attitude of this Government towards Brazil has been extremely bellicose, and the official paper, the *Semanario*, has been filled with addresses from different parts of the country, signed by all the people of any property or condition, in which they pledge their lives and fortunes to sustain the national independence and promise to shed the last drop of their blood, if necessary, to sustain the benignant Government of President López. To people here in the country who understand the working of the government this all appears very ridiculous, as it is well understood that if any one were to refuse to sign such a paper he would soon find himself in a prison heavily loaded with fetters¹⁰⁰

Berges wrote to his agent in Buenos Aires:

You know the attitude that our Government has taken in the Brazilian-Uruguayan question, and I can assure you now that there will be no vacillation in the policy of His Excellency, President López, if the Brazilians occupy Uruguayan territory. Besides the time has come to lay aside the humble rôle that we have played in this part of America; the abstention that we have always practiced in every kind of question, perhaps to the injury of the general interests of Paraguay, is incongruous with the progress and prosperity of the Republic and above all with the enthusiasm and unity of its people.¹⁰¹

Not a word is here about Dom Pedro and Mitre plotting to carve up violated Paraguay. That plea for sympathy came later. Here is nothing but the swelling pride that precedes every outburst of national imperialism. López had resolved to lay aside the "humble rôle" that had built up the strength he was now to expend. He would pour out "the rich red wine of youth" as a libation to the war-gods. Berges wrote a few days later:

His Excellency the President of the Republic is at the moment at Cerro de Leon, organizing troops. In that camp we have more than 20,000 men, all young and already sufficiently trained and well disciplined and, so I am told, very anxious for the *day of testing* to arrive to prove their valor and patriotism. Not in vain, then, does the Uruguayan Republic count on Paraguay as the strongest support in her present position In all quarters an admirable activity is being displayed in furnishing uniforms and mobilizing troops for the frontier for we think that Brazil

¹⁰⁰ Washburn to Seward, Asunción, October 20, 1864, State Department MSS, Paraguay Diplomatic 1, no. 37.

¹⁰¹ Berges to Egusquiza, Asunción, October 21, 1864, Rebaudi, *op. cit.*, p. 112.

will not refrain from invading the Uruguayan state, and in that case the solemn hour for Paraguay will have arrived.¹⁰²

There is a story that when the aged hero Artigas, on his little exile's farm in Paraguay, heard that Dr. Francia had passed away, he exclaimed: "The Dictator is dead, but his lonely shadow will hover for many years over Paraguay!"¹⁰³ Was there no voice from beyond the tomb to halt the maniac from hurling to destruction those heroic Guaranís whom alone among men Dr. Francia had loved? But here was no profoundly contemplative Hamlet to be summoned by a ghost! Francisco Solano López would not have deviated from his course though one rose from the dead.

The solemn hour arrived with the news that on October 16, the main Brazilian army had crossed the Uruguayan frontier and occupied the town of Mello. There was certainly vacillation in the mind of López, and Vazquez Sagastume was still plying him with exhortations to strike when the *Marques de Olinda*, one of the regular steamers plying between Rio de Janeiro and the Brazilian Province of Matto Grosso, arrived at Asunción on her way up the river on November 11, 1864.¹⁰⁴ She had on board the new Governor of Matto Grosso. After coaling she left at 2 p.m. At 7 p.m. the same evening the Paraguayan war-steamer *Tacuarí* left in pursuit on urgent orders from López brought to Asunción by special train from the camp at Cerro-León. The steamer was overhauled on November 12, fifty leagues above Asunción, and compelled to return. She arrived at Asunción on the morning of Sunday, November 13, and at the same moment the Brazilian Minister, Vianna de Lima, received a note from Berges dated November 12 to the effect that Brazilian forces having invaded Uruguay, Paraguay would now take the measures she had foreshadowed in the note of August 30. Accordingly he declared the diplomatic relations of Brazil and Paraguay severed and the Río Paraguay closed to the war-

¹⁰²Berges to Egusquiza, Asunción, November 6, 1864, *ibid.*, p. 113.

¹⁰³*Dr. J. Rodríguez de Francia, artículos de varios autores, biblioteca popular.*

¹⁰⁴Godoy, *Monografías históricas*, I, 8-9.

vessels and merchantmen of Brazil.¹⁰⁵ On November 14, the Brazilian Minister after protesting formally against the seizure of the *Marquez de Olinda*—a hostile act perpetrated in time of peace—demanded his passports.¹⁰⁶ The die was cast. Preparations at once began for the invasion of Matto Grosso. "As soon as we are secure on this side," wrote Berges, "we will take the road for Rio Grande, and soon you will hear us talked about . . ." ¹⁰⁷

Berges might relate gravely to the American Minister that he knew "that the Emperor of Brazil had recently dispatched a special envoy to Europe to negotiate with the Governments of England and France and obtain their assent to the annexation of the Oriental Republic to his dominions. The Oriental Minister, Señor Sagastume, has also told me the same thing . . ." ¹⁰⁸ But his dispatches are too full of the necessity for Paraguay to abandon her "humble rôle" to make convincing the plea that López seriously feared that if Brazil and Argentina were allowed to swallow up Uruguay it would be Paraguay's turn next. The story goes that in the moments of hesitation before ordering the seizure of the *Marquez de Olinda* he exclaimed, "If we do not strike now, we shall have to fight Brazil some other time less convenient to us!" He seems to have been convinced that a war with Brazil over the disputed frontiers was inevitable. Now that Brazil was heavily engaged in Uruguay was the time to strike and to vindicate at once Paraguay's claim to the disputed frontier and her right to play a decisive rôle in the politics of the Río de la Plata. As to what lay beyond this great decision, time would tell. In any case the die was cast, and those eager youths at Cerro-León could not prove to their chief that their blood was red.

¹⁰⁵ Washburn to Seward, Asunción, November 28, 1864, State Department MSS, Paraguay Diplomatic, I, no. 40

¹⁰⁶ *Relatorio*, 1865, Anexo I, pp. 179-80.

¹⁰⁷ *Relatorio*, 1865, Anexo I, p. 181.

¹⁰⁸ Berges to Egusquiza, Asunción, December 9, 1864, Rebaudi, *op. cit.*, p. 115.

¹⁰⁹ Washburn to Seward, November 5, 1864, State Department MSS, Paraguay Diplomatic, I, no. 38.

CHAPTER VIII

THE CATASTROPHE

The retirement of Saraiva from the Río de la Plata left Admiral Tamandaré, the Commander of the Brazilian Squadron, master of the situation. He was not long in plunging the Empire even deeper into the Uruguayan morass. The inactivity of Brazil during September was probably due to the tremendous financial crisis that paralyzed her during the first half of that month. The acting British Consul at Rio de Janeiro described the panic that began on September 8 as "the most awful financial and commercial crisis ever experienced in Brazil. Indeed from the turn matters were taking and the duration of the panic (no less than 7 days) the immediate result threatened universal bankruptcy."¹ Once Brazil had surmounted this disaster, it is not difficult to see that she had an additional motive for coming to conclusions with Uruguay. Her prestige was more than ever at stake. Tamandaré was the man for solving one crisis by precipitating another. Looking at the matter from a military point of view and having in view Saraiva's negative instructions that the forces of Flores must not be attacked, the Admiral came to the conclusion that formal and active co-operation with the Uruguayan revolution would best serve the interests of the Empire. Accordingly, in October, 1864, he gave decisive orders to the Brazilian forces on the frontier to undertake active operations and entered into relations with Flores. The Liberator had at first been inclined to adopt a national attitude towards the Brazilian "reprisals." He protested vigorously against the destruction by the Brazilian fleet of the Uruguayan war-steamer *Artigas*. But the resolute attitude of the Admiral converted him.² On October 20, 1864, by an exchange of notes at Barra de Santa Lucia, off which Tamandaré was lying in his flagship *Recife*, Venancio Flores joined forces with the invader of his country. He declared that the revolution of which he was the

¹Acting Consul Morgan to Russell, Rio de Janeiro, September 22, 1864, F. O., 13,423.

²Oneto y Viana, *La diplomacia del Brasil*, p. 214.

head in the name of the country "will attend to the claims of the Imperial Government formulated in the notes of the special mission confided to His Excellency the Counsellor José Antonio Saraiva and will give worthy reparation in everything that is just and equitable and in harmony with the national dignity³

Concerted military operations were arranged.

The moment he was assured of the co-operation of the revolution, Menno Barreto advanced from the north, and Tamandaré sailed up the Río Uruguay to meet him. Salto surrendered on November 28, and early in December Flores and the Brazilian forces attacked Paysandú defended by the ruthless and heroic Leandro Gómez. The city was unfortified, but under the inspiration of its commander it put up a desperate resistance. Even before the arrival of Flores and the Brazilian land forces, Leandro Gómez had warned the blockading squadron that he would fire on it if it came within range of his guns, thus transforming a blockade into an armed conflict. But yielding to the entreaties of the inhabitants he asked for instructions from Montevideo. Carreras sent him orders to fire on the Brazilian squadron.⁴ These desperate orders were clearly issued under the influence of the news of the Paraguayan declaration of war on Brazil. The Blancos were still confident of Paraguayan aid a month later when Paysandú was at its last gasp.⁵

Tamandaré, standing off well beyond the range of the defender's guns, subjected the unhappy city to a tremendous and devastating bombardment. The flight of the civilian population after the two days' grace granted by Flores on December 2 carried the misery of Paysandú far and wide. A relief committee began to operate in Argentina on behalf of the destitute refugees. Gómez received with rifle fire the base and savage summons of Flores to surrender or to pay for the consequences of resistance with his life, and the drama began.⁶ During an entire month Leandro Gómez held Paysandú against Flores and Tamandaré,

³*Relatorio*, 1865, Anexo I, pp. 110-11.

⁴Carreras to Lettsom, circular, Montevideo, November 26, 1864, enclosure in Lettsom to Russell, Montevideo, November 28, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 40.

⁵Lettsom to Russell, Montevideo, December 28, 1864, *ibid.*, no. 53.

⁶Díaz, *Historia política y militar de las repúblicas del Plata*, XI, 103-4.

while the Entre Ríos looked on from across the river seething with indignation at the spectacle of the old enemy, Brazil, living up to her reputation. Barbarity was met with barbarity, and Leandro Gómez beheaded fifteen Brazilian prisoners and exposed their warm dripping heads above his trenches⁷ as a gesture of his defiance to the invaders who had arrived like bandits without a declaration of war. The end came on January 2, 1865; the town burning; the garrison so reduced that the dead lay unburied in the streets; clouds of smoke making it impossible to see more than a short distance. When Leandro Gómez surrendered to the Brazilians all his chief companions in arms were dead, nor did he have long to wait. Confiding in the honor of Brazil he was handed over to an officer of the Liberator, Colonel Suárez, who took him to a small garden and shot him. A massacre of the surviving garrison began but was arrested by the energy of the Argentine Colonel, Muratore.⁸

Events in Uruguay caused the most passionate indignation throughout the neighboring Argentine provinces. Feeling in Entre Ríos against the Brazilians ran high, and Urquiza had the greatest difficulty in preventing a general rising on behalf of the neighboring republic. The spectacle of Leandro Gómez with his handful of defenders beating off 10,000 besiegers and the Brazilian fleet roused the *gauchos* like a trumpet.⁹ The ancient national antipathies for Brazil; the close ties, political and economic, between the lands on either side of the Río Uruguay; the profound suspicions of Brazil's designs on the independence of her little neighbor; republican and idealistic suspicion of the Brazilian monarchy and her "peculiar institution" of negro slavery, voiced in the volcanic polemics of the great Alberdi—all these factors rallied Argentine opinion as a whole to the support of Uruguay, and feeling mounted higher with every day of Leandro Gómez' resistance and culminated with the news of his atrocious murder.

Finally there were the affiliations of party to draw the provinces of Argentina towards the Blancos simply because

⁷Silva Paranhos, *Convenção 20 de Fevereiro*, p. 45.

⁸Díaz, *op cit.*, XI, 137.

⁹Victorica, *Urquiza y Mitre*, p. 465.

Mitre was known to favor Flores. Only in Buenos Aires and chiefly among the devout followers of Mitre were attempts made to defend Brazil. The *Nación Argentina* endeavored to minimize the horrors and the heroism of Paysandú, but vainly, for nothing could reduce the effect of that news. Even across the Andes and throughout the remote Pacific Republics of Chile, Peru and Bolivia opinion burned strongly against the "Portuguese slave-holding Empire," and as strongly in favor of Paraguay when Francisco Solano López seemed in November to stand out alone, the protagonist of Spanish America.

In the meantime Admiral Tamandaré had done his best to antagonize the entire Diplomatic Corps in the Río de la Plata by requesting the Ministers to prevent their merchant vessels from touching at Uruguayan ports with munitions or transporting troops. They indignantly refused to recognize a disguised blockade in time of peace, or to perpetrate so flagrant an outrage against the Government to which they were accredited in the name of the "perfect neutrality" to which the Admiral invited them.¹⁰ They declined also to recognize Tamandaré's claim to the right of search in the name of "reprisals."

The frame of mind of the Uruguayan Government at this moment is illuminated by a statement of Antonio de las Carreras during a conversation with the British Chargé. Commenting on the stand taken by the Diplomatic Corps against the pretensions of Tamandaré, Lettsom observed that the step might lead to a declaration of war by Brazil on Uruguay. Carreras replied that he agreed with that opinion "and that he should prefer matters taking that turn to their remaining in their present condition."¹¹ Apparently at the same time the Uruguayan Government was making efforts to embroil Tamandaré with Argentina and Paraguay, no difficult task in view of his confused proclamations.¹²

¹⁰*Relatorio*, 1865, Anexo I, pp. 98-104; Lettsom to Russell, Montevideo, October 21, 1864 and enclosures, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 25.

¹¹Lettsom to Russell, Montevideo, October 21, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 25.

¹²Tamandaré to Diplomatic Corps at Montevideo, Buenos Aires, October 11, 1864, confidential, enclosure in Lettsom to Russell, Montevideo, October 21, 1864, *ibid.*

The Liberal Cabinet of Furtado, which had succeeded that of Zacharias de Góes e Vasconcellos on August 31, menaced by the war declared by Paraguay, struggling with increasing difficulties in Uruguay, surrounded by the steadily mounting hostility of Brazil's neighbors and perhaps threatened by some form of European intervention, decided that it must be represented on the Río de la Plata by someone more competent to steer the political destinies of his country than Admiral Tamandaré. There must be another special mission to complete, if possible, the work of Saraiva. There could be no question as to whom to send. All thoughts turned in this crisis to José Maria da Silva Paranhos. But there were difficulties both for him and for the Cabinet. He was a Conservative, the Cabinet was Liberal. Yet he did not hesitate long. Convinced that the position of his country was one of real danger, he accepted the extraordinarily difficult and delicate mission confided to him and arrived in Buenos Aires on December 2, 1864, at the very moment when Tamandaré, Flores and Menno Barreto were about to begin the siege of Paysandú. His instructions were "to obtain an alliance with the Argentine Government or a joint intervention of Mitre and the Empire in Uruguay, using the revolutionary element as the foundation, and if neither of these measures were possible, to obtain the formal alliance of Flores."¹³

Saraiva had found Mitre friendly but immovable. Silva Paranhos found him even more determined to adhere to a policy of neutrality alike in the Brazilian conflict with Uruguay and in the war with Paraguay. But Silva Paranhos was not one to be easily baffled, and as late as the end of December he told his British colleague that "he was in negotiation with the Argentine Government for an active alliance against the Montevidean Government in which he believed he should succeed, and that then the conditions would be made public, and the position of Brazil would be greatly improved." Thornton, however, frankly expressed the opinion that he was deceiving himself.¹⁴

¹³Silva Paranhos, *Convenção 20 de Fevereiro* (Speech of June 5, 1865, in the Senate), p. 22.

¹⁴Thornton to Russell, Buenos Aires, December 26, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 57.

Thornton was right; Mitre had no intention of moving. The great Brazilian diplomat found Mitre in addition concerned at the development of Brazilian policy. The troops concentrated on the frontier of Uruguay had been stationed there according to Saraiva to prevent the passage of Brazilian sympathizers of Flores; they had become the vanguard of the invading army. The enforcement of the claims of Brazilian subjects against the Uruguayan Government had become an active and armed co-operation with one of the contending revolutionary factions against the other. It was obvious to Silva Paranhos that it was impossible to escape the logic of events. An alliance with the revolution had become a necessity. At the same time he worked steadily in the light of the dominating fact of the crisis, that López was at war with the Empire and might at any moment irrupt with his large initial superiority of force into Rio Grande do Sul. Quite clearly the Government at Montevideo now, as the ally of López, must be overthrown at all costs. On December 17 the British Minister in the course of a long conversation with him endeavored to persuade him to submit the outstanding questions between Brazil and Uruguay to arbitration. The answer of Silva Paranhos was decisive:

Paysandú must be taken, and an overwhelming force must be sent to Montevideo, so that those in the town who were in favor of peace, and of whom he was persuaded there was a large majority, might exercise a pressure upon the government and force them into submission. This, he said, was absolutely indispensable for the honor and dignity of the Brazilian Government . . . and in presence of the attitude assumed by the Republic of Paraguay.¹⁸

A month later the British Minister was even more explicit:

I have always observed in M. Paranhos a strong desire, and a conviction of the necessity, that the Brazilian army should make, if not an attack at least a demonstration before Montevideo, so that, as he says, the people of that town may be convinced of their strength and his countrymen may gain prestige for the war they are about to undertake against Paraguay.¹⁹

The time had passed for mediation by Mitre or anyone else. In a word, Silva Paranhos was concentrating all his genius on liquidating the war in Uruguay on the most favorable terms

¹⁸Thornton to Russell, Buenos Aires, December 26, 1864, *ibid.*

¹⁹Thornton to Russell, Buenos Aires, January 25, 1865, *ibid.*, no. 77.

possible, but at once, in order that the ill-organized and unprepared forces of Brazil might be directed against the terrible menace on her flank.

The task of winning Flores to a formal alliance which would supersede the vague and inadequate documents that had satisfied Tamandaré in October, 1864, was not an easy one. Venancio Flores, now so far advanced along the path of treason, was suddenly and quite unexpectedly afflicted with an attack of conscience, perhaps nothing more than apprehension. He knew the hatred that was rising against Brazil in all the countries of the Río de la Plata, and he feared to be compromised. He busied himself in writing letters protesting his utter devotion to the cause of Uruguayan independence.¹⁷ He hedged, but unavailingly. Silva Paranhos held the whip hand, for without Brazil Flores could never hope to take Montevideo and mount to power over the prostrate liberties of his country. The Brazilian diplomat was alarmed at the possibility of difficulties with the *caudillo* and his party but pressed on.¹⁸ He achieved his end by the exchange of notes with Flores on January 28 and 31, 1865. The Liberator conceded in detail the demands of Brazil as formulated by Saraiva and concluded thus:

Finally the undersigned assures the Government of His Majesty the Emperor of Brazil that the Uruguayan Republic from this moment, and with much more reason when it is completely liberated from its present oppressors, will afford to the Empire all the co-operation in its power, regarding as a sacred task its alliance with Brazil in the war treacherously declared by the Paraguayan Government, whose interference in the internal affairs of the Uruguayan Republic is a bold and unjustifiable pretension.¹⁹

Silva Paranhos redefined the obligation:

The General adds that he considers as an obligation of honor, besides being a measure of security vital to the Republic, the alliance of the latter with Brazil in the war already declared by the Paraguayan Government, which has on its part acted as the ally of the Government of Montevideo. That alliance is also a task solemnly undertaken by the General under the form of supreme and discretionary power and will

¹⁷Díaz, *op. cit.*, XI, pp. 143-4, note.

¹⁸Silva Paranhos, *Convenção 20 de Fevereiro* (Speech in Senate June 5, 1865), p. 28.

¹⁹Flores to Silva Paranhos, Colorado, January 28, 1865, *Relatorio*, 1865, Anexo I, p. 157.

be made as effective as possible by the Republic in terms that will later be settled between the two Governments²⁰

In addition to a formal acceptance of the claims presented by Saraiva, Silva Paranhos improved his opportunity by obtaining the explicit declaration that the losses of Brazilian subjects during the "Guerra Grande" would also be recognized! Instead of obtaining concessions from the Empire for the assistance Uruguay promised to give in the war against López, the Republic was loaded with new obligations at the very moment when the Brazilian statesman extracted from the revolutionary general in the exercise of his "supreme and discretionary power" the promise of the blood of her sons.²¹ Venancio Flores had tied his unhappy country to the war-chariot of Brazil. The Republic could now only escape civil war at the price of foreign war. The fact that his political enemies had madly allied themselves to Paraguay does not acquit Flores of the responsibility of plunging distracted Uruguay into a foreign war in a quarrel not her own. For the "Liberator," however, it was the price of power and for Silva Paranhos not the least of his many services to the Empire.

Throughout January 1865, the great Brazilian was expounding the Imperial case against Uruguay and Paraguay in a series of masterly dispatches and circulars to the Argentine Government and the foreign diplomats making most explicit the determination of Brazil to respect the independence and territorial integrity of Uruguay which he published in order to allay public opinion,²² controlling the pompous Tamandaré; urging the advance on Montevideo; winning Flores to the alliance which would break the isolation of Brazil in her fight against López and deprive him of the position of standing for Spanish America against Portuguese. Amid desperate anxieties he played a masterly game. His final problem was approaching. He knew that if the allies repeated at Montevideo the horrors of Paysandú the cause of Brazil would be lost. Nothing would be able to avert

²⁰Silva Paranhos to Flores, Buenos Aires, January 31, 1865, *ibid.*, p. 158; Silva Paranhos, *Convenção 20 de Fevereiro*, p. 224.

²¹Oneto y Viana, *op. cit.*, p. 227.

²²*Documents officiels relatifs au conflit existant entre le Brésil et les gouvernements de Montevideo et de l'Assomption.*

an explosion that neither Mitre nor Urquiza could control. The Montevidean Government had already dispatched Dr. Joanicó to Europe to secure the intervention of France and England. Diaz Vieira, the Imperial Foreign Minister, wrote to Silva Paranhos that the struggle must be over by the time the Blanco envoy reached his destination.²³ The Blanco *exaltés* on December 13 had ceremoniously burnt in public, amid the significant silence of an unenthusiastic group of spectators, at a latter day *auto da fé*, the originals of all the treaties between Uruguay and Brazil.²⁴ They were now awaiting the arrival of the Imperial army, the blockading squadron and the revolutionary forces in a mood clearly revealed by Antonio de las Carreras, who had succeeded the milder Herrera as Foreign Minister at the beginning of September, when he declared to the British Minister that the Government was prepared to perish in the ruins of Montevideo.²⁵ While Silva Paranhos was struggling with Admiral Tamandaré who, with naval directness, prepared to shower shells over the devoted city as soon as possible, he was at the same time faced with another diplomatic problem. He desired at all costs to prevent a successful mediation by Mitre or the foreign diplomats. Nothing but the overthrow of the Blanco Government by his creature Flores would enable him to use Uruguay as a military base against López and drive her young men successfully to the Paraguayan shambles.

At this crisis the nobly indefatigable Andrés Lamas made a supreme effort to avert the catastrophe that he saw overhanging his beloved Montevideo and his country. He wrote to President Aguirre to inform him that President Mitre was ready to tender his good offices to avert a further disaster. "We must not lose a single instant," he wrote. "Within a very few days irresistible forces will arrive at Montevideo by land and sea, and a violent catastrophe may occur immediately . . ."²⁶

²³Oneto y Viana, *op. cit.*, p. 236.

²⁴Lettsom to Russell, Montevideo, December 20, 1864, *British and Foreign State Papers*, LXVI, pp. 1222-23.

²⁵Lettsom to Russell, Montevideo, January 14, 1865, *ibid.*, p. 1229.

²⁶Lamas to Aguirre, January 17, 1865, Lamas, *Tentativas para la pacificación*, p. 54.

He bespoke the assistance of the Italian Minister at Montevideo, Signor Barbolani, who had already made many devoted efforts to reconcile the factions that were tearing the country to pieces. Concurrently the indefatigable Thornton had renewed his efforts for peace. In frequent interviews with Mitre he urged the President to use his influence to bring about an amicable understanding between Uruguay and Brazil. After some hesitation Mitre said he would accept the office of mediator if it were offered him.

On January 19, 1865, Thornton wrote to his colleague, Lettsom, at Montevideo "begging him to endeavor to persuade the Montevidean Government to ask President Mitre to mediate." At the same time he induced his diplomatic colleagues at Buenos Aires to write in the same sense to theirs at Montevideo.

On January 20, Lettsom and his colleagues the French and Spanish Chargés received these private letters, while Signor Barbolani, the Italian Minister, who was accredited to the Argentine and Uruguayan Governments but resided at Montevideo, received, as we have seen, a letter from Andrés Lamas enclosing a copy of one he had written on the subject to President Aguirre. The Diplomatic Corps agreed that Signor Barbolani should call on the President, and that if the latter proved hostile to the proposal, all the diplomats should call in a body the next day. Barbolani lost no time and saw Aguirre the same afternoon. He found him quite intractable and personally hostile to Mitre.

On the afternoon of January 21, the British and French Admirals waited on the President. He received them with Señor Antonio de las Carreras who acted as interpreter. The Admirals urged the acceptance of Mitre's mediation and told the President bluntly that in their opinion the successful defense of Montevideo against the forces of the allies converging on her was impossible. Rear-Admiral Elliot noticed that Carreras did not translate this opinion to Aguirre and told Lettsom of this significant omission.

The same evening the Diplomatic Corps waited on the President and urged him to invoke the mediation of Mitre. He replied that he hoped that Montevideo would be able to defend herself successfully. Lettsom seized his opportunity dramatically. He told the President that in the opinion of the British

and French Admirals the city could not be defended; taxed Carreras to his face with suppressing the Admiral's opinion while pretending to translate; and ended by demanding of Aguirre whether it was the intention of his Government to set fire to the city if they could not defend it, for such an intention had been expressed by Carreras to Signor Barbolani, in the presence of whom he made this charge. The Italian Minister supported his vehement colleague, and Aguirre could only reply feebly that such was not the intention of his Government and that he would let them know his decision on the question of accepting President Mitre's mediation. In the result Carreras, in spite of his *mauvais quart d'heure*, was still master of the situation, and on Sunday, January 22, 1865, Aguirre sent for Barbolani and formally rejected the proposal of the Diplomatic Corps.²⁷

Even after this rebuff Thornton persuaded Mitre, in the event, as was expected, of a certain time being named by the allies in which the Montevidean Government could surrender before a general assault on the city, to promise to offer his mediation to Aguirre after the ultimatum had been delivered, and to throw on him the odium and responsibility of rejecting it. "His Excellency," wrote the British Minister, "does not think, and I am of the same opinion, that until the danger be imminent, the Montevidean Government will accept any mediation whatever."²⁸ Barbolani wrote to Lamas that Aguirre had promised a favorable reply, but on the same date the President answered Lamas' letter by rejecting Mitre's mediation on the ground that previous events had not inspired him with confidence in Mitre's impartiality. He continued:

I do not, like you, regard the defense that we are resolved to make at all costs against the domination of Brazil as impossible and without object; I think it possible and for the most sacred object to which a people can dedicate its sacrifices and its blood—the dignity and independence of the Republic. Does anyone consider the war that Brazil

²⁷Thornton to Russell, Buenos Aires, January 25, 1865, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 77; Lettsom to Russell, Montevideo, January 26, 1865, *ibid.*, no. 83.

²⁸Thornton to Russell, Buenos Aires, January 25, 1865, *ibid.*, no. 77. No such peremptory summons was delivered at Montevideo as at Salto and Paysandú, presumably because Silva Paranhos was determined to prevent Argentine mediation.

has brought on us as just? Does anyone still believe, after Paysandú, in the good intentions of Brazil?²⁰

The great patriot replied in a letter that contains the supreme indictment of the Blanco party:

. . . Your Excellency shuts the door *in limine* on all negotiations.

Your Excellency, possessed by fallacious hopes in the promises of Paraguay, and in the efforts at rebellion that are being nourished in Entre Ríos, makes the supreme and most indefensible sacrifice that the furies of your party are demanding of you.

In June and July Your Excellency sacrificed the peace of the Republic and brought down on her a foreign war by not allowing members of the Colorado party to enter your ministry. Neither would you accept the impartial men that we finally suggested to you.

When the enemy invaded our soil Your Excellency could have ended the civil war by a decree calling the Colorado party into the Government, but you lacked the courage for such an action.

Your Excellency had, and did not seize it, the enviable opportunity of affirming the independence of the country, reuniting us by a lofty inspiration under the national flag so that we might all serve as its invulnerable shield.

Your party by spontaneously opening the doors of the Government house to the Colorado party so that all of us Uruguayans together might close our territory to the foreigner would have saved itself gloriously and spared our unhappy country that horrible nameless spectacle which took place at Paysandú and which Your Excellency is about to have repeated in Montevideo. Always the party above the country! As Your Excellency does, so do all the rest. I despair, Sir, of the safety of our country. They are murdering her and dishonoring our name in a dispute about official posts, for in the end that is all it comes to.

God knows, I do not want to do an injustice to Your Excellency, or to anyone, but in good earnest I believe that Your Excellency is sacrificing to your party the city of Montevideo.

Am I mistaken?

It is easy for Your Excellency to prove it. . . .²¹

He ended by urging Aguirre to call to power a Colorado Provisional Government and at the same time to ask Argentina, France and England to mediate between Brazil and Uruguay. Even at this eleventh hour the diplomacy of Lamas might have defeated the machinations of Silva Paranhos, for Flores had not yet sold his country completely. Could Flores have got into

²⁰Aguirre to Lamas, Montevideo, January 25, 1865, Lamas, *Tentativas para la pacificación*, p. 58.

²¹Lamas to Aguirre, January 27, 1865, *ibid.*, pp. 61-2.

power without the aid of Brazil, the foreign mediators would have cleared up the Imperial claims, and Brazil would have had to evacuate Uruguay. She would have lost an ally and a war-base. Lamas had sent Flores a copy of his first letter to Aguirre proposing the mediation of Mitre,⁸¹ and not until Aguirre had once again wrecked the chances of peace did Flores by the fatal exchange of notes with Silva Paranhos fling himself with abandon into the arms of the Empire. The great Brazilian had landed his big fish. The folly of Aguirre enabled Silva Paranhos tactfully to reject the idea of Argentine mediation.⁸² Communicating his failure to Mitre, Andrés Lamas wrote:

. . . of all my misfortunes none has caused me more profound grief than that which I now impart to you. The genius of destruction is stretching his black wings over Montevideo, and the madmen who are going to fall there adjure him not to depart and repulse with passion those who try to exorcise him. If Your Excellency cannot yet mediate to avert the catastrophe, Your Excellency can be near to lessen the havoc, to stanch the blood that can still be stanchied.

Muratore did so at Paysandú, honoring the Argentine colors and the thought of Your Excellency

From among the ruins of Montevideo (if they finally make our Montevideo a ruin) it is necessary to raise the Uruguayan nation, revived and strengthened by a fraternal policy, for only fraternity can cure the wounds of this abominable fratricide. That is the clear interest, the legitimate interest, of Brazil, as well as of the Argentine Republic.

Poor Montevideo, Mitre, my dear friend!

Your Excellency will weep as I do, for Montevideo has a right to the tears of Your Excellency who are half her son, as well as a right to those of all free men.

Montevideo was the ark of salvation in that flood of blood and barbarism which is called the Dictatorship of Rosas. And they are sacrificing our Montevideo on the altars of Paraguay!

This seems to me a posthumous inspiration of the idol shattered at Caseros, the greatest crime that the rancorous exclusiveness of the parties has committed. O may it be the last!

If it is not the last, that nation is dead.⁸³

The fears of Andrés Lamas seemed about to be tragically verified. Furtado, the Brazilian Premier, fearing a Paraguayan irruption into Rio Grande do Sul and ignorant of the fact that

⁸¹Lamas to Flores, January 20, 1865, *ibid.*, pp. 54-5.

⁸²Oneto y Viana, *op. cit.*, pp. 239-40.

⁸³Lamas to Mitre, January 28, 1865, Lamas, *Tentativas para la pacificación*, pp. 64-5.

Matto Grosso had already been invaded, began to incline towards extreme measures. In the meantime the Diplomatic Corps at Montevideo had made yet another effort. On January 29, 1865, Barbolani, on behalf of himself and his colleagues, wrote to Silva Paranhos at Buenos Aires and sent a copy of his letter to Admiral Tamandaré, at that moment with his squadron off the bar of Santa Lucia some twelve leagues from Montevideo. In his letter the Italian Minister informed the Brazilian that the Executive Power at Montevideo had to change on February 15, on which date acting President Aguirre's term of office as President of the Senate ended. He wrote:

The Diplomatic Corps consequently trust that the Representative of His Imperial Majesty the Emperor of Brazil may aid in the realization of so beneficial a result by agreeing to a suspension of hostilities by land and sea, and by leaving matters *in statu quo* until the above-mentioned date. The Diplomatic Corps rejoice in the hope that during the interval the work of pacification may be forwarded by a mediation acceptable to all parties, which would be the best means of avoiding the international complications which would infallibly ensue from any war-like operations directed against an essentially commercial town such as Montevideo.⁸⁴

On February 2, Admiral Tamandaré, who had an independent authority as to the military measures to be taken, established a strict blockade of Montevideo. But owing to the efforts of Silva Paranhos he conceded six days' notice to enable merchant vessels to clear. In a circular to the Diplomatic Corps he wrote:

My intention is to attack only positions occupied by the enemy from which they are firing on our troops. Nevertheless one must anticipate the situation in which the former is compelled to take refuge or to offer resistance in the center of the city, and the necessity arises of dislodging him by employing all the means of which war allows.⁸⁵

The ultimate bombardment of the city was clearly hinted, and the advisability of declaring formal war on the Montevidean Government in order to regularize any such action was canvassed in Rio de Janeiro.⁸⁶

⁸⁴Lettsom to Russell, Montevideo, February 15, 1865, *Correspondence Respecting Hostilities in the River Plate*, part II, no. 11 and enclosures.

⁸⁵Tamandaré to the Diplomatic Corps at Montevideo, February 2, 1865, *Relatorio*, 1865, Anexo I, p. 146.

⁸⁶Oneto y Viana, *op cit*, p. 236.

The time of grace granted by Tamandaré expired on February 9, and again Silva Paranhos persuaded the Admiral to grant an extension. By this skilful maneuver Paranhos secured the necessary delay to enable the moderates and the Diplomatic Corps to get to work in Montevideo, while avoiding the objectionable feature of Barbolani's proposal—a "mediation acceptable to all parties" which he was determined to obviate. All would depend on the President elected by the Senate.

In the meantime the Montevidean Government continued to labor under the most astounding illusions. Rumors continually flew through the city that the Paraguayan army was about to cross the Uruguay or that it was approaching the frontier. Yet López had not moved a man; neither was he under the formal obligation to do so. What may be called his great disengagement of August 30, 1864, should have enlightened the Blanco Government, but they continued to count on his immediate aid. At the same time President Aguirre was constantly receiving letters from Domingo Ereño and Francisco Lecoq in Entre Ríos assuring him that General Urquiza was about to cross the Uruguay at the head of his army and to march to the rescue of Montevideo.⁸⁷ Under the influence of this extraordinary misinformation the Blancos lost all sense of reality. They still believed in López and once again besought his aid. He replied with bloodthirsty irony: "Fall with the glory of Paysandú, and I shall soon reconquer your territory."⁸⁸ The *exaltés* around Aguirre prepared to do so. Silva Paranhos countered by persuading his obstructive colleague, Tamandaré, to extend the truce.

In the meantime the Diplomatic Corps at Montevideo had not been idle. On February 3, 1865, Lettsom circulated to the British residents a printed translation of Tamandaré's notification of the blockade and future attack on the city. The French and Italian representatives took similar action. In consequence many British subjects were conveyed on British warships to Buceo and Buenos Aires, and there was a general exodus of foreigners, though the Government forbade by decree anyone

⁸⁷Díaz, *op. cit.*, XI, 172.

⁸⁸Rebaudi, *op. cit.*, p. 30.

to leave by land. Clearly this revelation must have weakened the position of the Government for on February 5, Carreras wrote to Lettsom complaining that the publication of Tamandaré's notification had caused terror in the city.³⁹

The British Chargé replied by calling on the Minister and asking him whether he meant what he said when in his recent note suggesting that British subjects should be conveyed out of the city he had asserted that the Montevidean Government would "bury itself in the ruins" of the city rather than yield a step to the Brazilian conquest. Did they propose to blow up Montevideo? Carreras replied that the Government would confine itself to the legitimate usages of war. The Chargé then pointed out that the expression about the ruins of the city had, on its publication in the papers, caused far more alarm than Baron Tamandaré's declaration, since many people had taken it literally.⁴⁰

The enquiry of Lettsom was not inspired merely by the desire to elucidate the rhetoric of Dr. Carreras. At the end of December, 1864, the British Chargé had discovered "that a large quantity of gunpowder had been stored in this city by the Government, under fearful circumstances of insecurity." Within a few days the quantity of gunpowder was increased from 30,000 to 50,000 pounds. There were several stores scattered over the city, but the main dépôt "was situated between two blacksmith shops where large fires are kept up. A few yards behind the dépôt are the shipbuilders yards, where pitch is applied to vessels with bundles of flaming straw. Just in front of the dépôt is a large bakery, in the yard of which establishment is an immense quantity of dry brushwood that is used here for heating bakers' ovens. At the adjoining corner of the street is a steam saw-mill in full work. This establishment has already been twice on fire."

Lettsom made tremendous efforts to have the powder removed to hulks in the harbor or anywhere away from the centre of the city. He protested formally; called in the diplomatic

³⁹Lettsom to Russell, Montevideo, February 13, 1865, F. O., 51130, despatch no. 15.

⁴⁰*Ibid.*

body; circulated the information to all British residents; finally appealed to the Apostolic Vicar to intervene. In spite of the innumerable evasions of Dr. Carreras, the indefatigable Chargé was partly successful, and some of the powder was removed. But later it was brought back, and the quantity in the city increased.⁴¹

The suspicions which this obstinate persistence in a desperately dangerous course aroused in the mind of the British Chargé were soon confirmed. On January 11, 1865, Dr. Carreras addressed a note to Signor Barbolani, the Dean of the Diplomatic Corps, to ask what would be the attitude of that body in the event of an attack upon Montevideo. He cited the fate of Paysandú and accused Brazil of intending to annex all Uruguayan territory north of the Río Negro. On January 16 the Diplomatic Corps replied by declining to commit itself, but before thus answering the question of Carreras it had commissioned Barbolani to interview the Minister with a view to impressing a more reasonable attitude upon him. Lettsom reported:

As soon as Signor Barbolani spoke to Doctor de las Carreras suggesting the propriety of observing moderation on the part of the Government, His Excellency declared the resolution of the Government is to push matters to the last extremity and as a final resource, to set fire to the town.

I do not consider this to be an exaggeration on the part of Doctor de las Carreras; he as well as the Minister of War, Doctor Jacinto Susviela, and Señor Amaro Sienra, the Political Chief, are as mad as any patients in Bedlam, and I calmly state it as my opinion, that each of these personages is quite capable of setting fire to some of the numerous large dépôts of gunpowder still situated in this city, should the Brazilians and General Flores make a successful attack upon it. There is no wickedness of which these three men are not capable.⁴²

But to return to Silva Paranhos. He was counting on the moderates in Montevideo, and fortune favored him. On February 15, 1865, President Aguirre's special term of office expired. He ended as he had begun in helpless vacillation and paralysis of will. On receipt of the news of Admiral Tamandaré's seven days' grace on February 2, nominally to enable merchant vessels

⁴¹Lettsom to Russell, Montevideo, January 12 and 28, 1865, F. O., 51.130, despatches nos. 2 and 12 and enclosures.

⁴²Lettsom to Russell, Montevideo, January 14, 1865, F. O., 51.130, despatch no. 5

to quit the harbor, the Diplomatic Corps evidently succeeded in bringing pressure to bear, for on February 3 Aguirre promised to resign on February 8 to allow the Senate to elect Señor Villalba as his successor. The election of this well-known moderate would have been a pledge that sincere efforts would be made for peace. However, on Tamandaré's extending the time limit to February 15, Aguirre felt it necessary to break his word to the Diplomatic Corps to resign on February 8, and promise to resign on February 14 instead. On that date the Senate was due to assemble, but not enough Senators met to constitute a quota—the adherents of Dr. Carreras having threatened their lives if they should proceed to the Senate Chamber.

The situation was transformed by a movement in the garrison. On the night of February 14 the military chiefs met, frankly admitted the desperate nature of the position and agreed to give their support to any President the Senate might elect. Thus emboldened the Senate met on February 15 and elected Thomas Villalba President of their Chamber. He automatically assumed the Executive Power under the Constitution.⁴³ Villalba appealed to the Diplomatic Corps to support him against the extreme Blancos, and marines were landed. As soon as the President felt assured against the dangers of a coup d'état he dispatched the moderate Dr. Manuel Herrera y Obes to open negotiations with Flores.

Silva Paranhos might now have dictated the settlement; with extraordinary ability he chose to let the formal terms of the capitulation of Montevideo and the pacification of the country rest on an agreement between Flores and President Villalba. He assumed a detached attitude and made Flores his mouthpiece. His eyes were fixed on Paraguay, and he had already secured the alliance of Flores. In such circumstances, by standing aside he avoided the appearance of coercion and shifted the odium of the alliance he had won for his country on to the shoulders of his political agent, Venancio Flores, now master of Uruguay. Tamandaré as usual made difficulties. This conclusion of his operations seemed to him banal. The great Minister quieted

⁴³Lettson to Russell, Montevideo, February 15, 1865, F. O., 51.130, despatch no. 20.

the childish admiral by agreeing to have the rapidly concluded settlement signed on February 20, the anniversary of the Battle of Ituzaingó. That cold and practical intellect was above such cheap sentimentality, all too frequent, as recent examples have shown, upon such occasions. But a chronological revenge was a small price to pay for the sullen silence of Tamandaré.

The agreement was signed at Villa de la Unión. It provided for the immediate assumption of the Government by His Excellency General Venancio Flores and one or more responsible Secretaries of State freely chosen by the aforesaid General and dismissable *ad nutum*. A dictatorship being thus established, the pacification was completed by a provision for a General Amnesty. Silva Paranhos, however, was determined to eliminate the Blancos, and accordingly an article was inserted which amounted to their immediate exile.

Common crimes and misdemeanors, as well as political offenses which on account of their special character may be subject to the jurisdiction of the tribunals of justice, are excepted in the declarations made in the preceding article.

The Protocol concluded with the declaration:

The opinion of the Minister of His Majesty the Emperor of Brazil on the above articles being then heard, His Excellency declared that "The agreement come to by the ally of the Emperor could not but deserve the applause of the Imperial Government, which would see in it reasonable and just bases of Uruguayan reconciliation and a solid guarantee for the legitimate objects which obliged the Empire to enter on a war which was happily about to cease. His Excellency Brigadier General Don Venancio Flores having before offered, as ally, to Brazil the just reparation which the Empire had demanded prior to the war, and the Imperial Government having the most complete confidence in the amicable and honorable agreement contained in the notes of the 28th and 31st of last January, spontaneously initiated by the illustrious general, who is about to assume the command of the whole Republic, the representative of Brazil said that he would demand no more on this score; judging that the dignity and rights of the Empire are maintained without any injury to the independence and integrity of the Republic and in harmony with the peaceable and conciliatory policy about to be initiated in this country."

President Villalba was reluctant to accept the initial proscription of his predecessor, but Silva Paranhos was adamant, and

"Relatorio, 1865, Anexo I; Correspondence Relating to Hostilities in the River Plate, part II, no. 17, enclosure.

the signature of the Protocol was the signal for the flight of all the principal members of the Blanco party and the chief officials of the régime. The settlement was the masterpiece of the great Brazilian. The admirable drafting of the Protocol concealed the sinister meaning of "the peaceable and conciliatory policy about to be initiated." Uruguay was to be dragged at the war-chariot of Brazil to the battlefields of Paraguay. But the general impression created was good. The English newspaper in Buenos Aires wrote:

Brazil, as far as we can see, behaves both moderately and justly, taking no undue advantage of her position."

Silva Paranhos, having brilliantly liquidated Brazil's adventure in Uruguay and converted an enemy into an ally, was now free to return to the more arduous task of winning Mitre to his policy. But he was not to garner the harvest he had sown. The intrigues of Tamandaré and the disappointment in Rio de Janeiro at the unspectacular nature of the settlement enabled the Liberal Government to rid itself of its great Conservative counsellor. Silva Paranhos was recalled in disgrace on the trivial pretext that he had insufficiently safeguarded the honor of the Empire by not demanding the punishment by court martial of the paroled prisoners of Paysandú, who had enrolled again for the defense of Montevideo. On March 11, 1865, Counsellor Francisco Octaviano de Almeida Rosa was appointed Envoy Extraordinary and Minister Plenipotentiary on Special Mission to Buenos Aires.⁴⁰ His instructions were to secure, if possible, the co-operation of Argentina against Paraguay and to avert any action by Argentina that would hinder the military operations of the Empire.⁴¹

At this point it will be desirable to retrace our steps a little and to survey the increasing difficulties of Mitre in the presence of the spreading conflagration. Once war had broken out between Paraguay and Brazil, the Río de la Plata became a veritable powder magazine of which the components were the Uruguayan revolution; the war of Brazil and Flores against the Montevidean Government; the war of Paraguay against Brazil;

⁴⁰"The Standard," Buenos Aires, February 24, 1865.

⁴¹Campos, *Relações diplomáticas do Brasil*, p. 9.

⁴²Instructions to Octaviano, cited by Rebaudi, *op. cit.*, p. 15.

the intrigues of Brazilian agents lavishing money in Buenos Aires; the open campaign against Paraguay and López in the Buenos Aires press; the strained relations between Argentina and Paraguay originating in the demand for explanations of the attitude of Mitre's Government towards Uruguay; the propaganda against López conducted by the Committee of Liberal Paraguayans in Buenos Aires; the sympathy of Mitre's Cabinet for Brazil in her struggle with the Blancos and Paraguay; the widespread sympathy for Paraguay and the Montevidean Government in the provinces of Argentina—a sympathy embodied in the small expedition to help the Blancos headed by Colonel Waldino Urquiza, the son of the great *caudillo* of Entre Ríos.

Confronted by a situation of extraordinary difficulty and complication Mitre decided for as absolute a neutrality between Paraguay and Brazil as between Uruguay and Brazil. The reorganization of Argentina made possible by the battle of Pavón required peace; the supremacy of Buenos Aires was not so secure that it would not be gravely endangered by a forward policy. He could not have decided otherwise, since the great majority of Argentine public opinion was hostile to Brazil.⁴⁸

Neutrality was clearly the policy to pursue in view of the grave discord of sympathies between Buenos Aires and the more important provinces. Mitre also realized that he must reach an agreement with Justo José de Urquiza, who controlled the wealthy and intractable Province of Entre Ríos. It was known that Urquiza was in regular correspondence with López, and the Blancos were always spreading rumors of an imminent *pronunciamiento* against Buenos Aires. In spite of the hopes that the enemies of Buenos Aires founded on him, the victor of Caseros does not seem to have given them much reason for their expectations. In 1864, he endeavored to avert Brazilian intervention in Uruguay by undertaking, with the full permission of Mitre, an unofficial mediation between Flores and Aguirre. Flores accepted his proposals. Aguirre rejected them *in toto*, and Urquiza did not conceal his disapproval of the intransigent attitude of the Blancos.⁴⁹

⁴⁸Victorica, *op. cit.*, p. 472

⁴⁹Urquiza to Aguirre, Uruguay, September 17, 1864, *Archivo Mitre. Guerra*, II, 80-1.

On November 3, 1864, Mitre wrote to Urquiza that he did not credit the irresponsible rumors that were circulating about him and, after reaffirming his own determination to maintain the strictest neutrality in the Uruguayan crisis, appealed to Urquiza to exert the influence that his antecedents and position in Entre Ríos gave him to avert complications.

We are Argentines above all, pursuing a truly Argentine policy that is not to be subordinated to foreign passions and interests, nor allowed to deviate for street cries that have not the slightest responsibility.⁶⁰

Urquiza replied by promising his wholehearted co-operation.

Since all efforts made to end the civil war in Uruguay have been defeated . . . there is truly no other way nor is there any other policy possible for the country whose intervention has been frustrated than to let events take their course, preserving neutrality and trying, as Your Excellency says, to avoid involving the Republic in this war, which like all civil strife is odious and devoid of honor (*sin prestigio*).⁶¹

The new situation created by the seizure of the *Marques de Olinda* brought the possibility of Argentina being involved closer. The situation was discussed in a remarkable dispatch from the British Minister at Buenos Aires to his Government at the end of December. He wrote:

It has . . . been reported to me by persons whose information I am hardly at liberty to doubt, that the Paraguayan Government intend to send an army of 15,000 men, or thereabouts, to the Brazilian Province of Rio Grande, so as to compel the Brazilian forces to withdraw from the Republic of the Uruguay. What route the Paraguayan army is to take, no one seems to know. Some say that it will embark at Itapúa on the right bank of the River Paraná, will ascend that river until it reaches Brazilian territory, and will then march across it to the Province of Rio Grande. But such a march would be so long and difficult that I am rather disposed to think with others that the Paraguayan army would at once cross the Paraná, would go through the territory of the Misiones, and crossing the Uruguay would land in Brazilian Uruguayana or in the Republic of the Uruguay. The principal part of the territory through which their course would then lie is in dispute between the Argentine and Paraguayan Governments, but there is a strip along the right bank of the Uruguay which I believe no one has ever pretended is anything but Argentine territory. Should the Paraguayan army cross this strip of land, I imagine that the Argentine Government will consider it a violation of their territory and a *casus belli*.⁶²

⁶⁰Mitre to Urquiza, Buenos Aires, November 3, 1864, *ibid.*, p. 83.

⁶¹Urquiza to Mitre, Uruguay, November 9, 1864, *ibid.*, pp. 84-5.

⁶²Thornton to Russell, Buenos Aires, December 26, 1864, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 56

On December 23, 1864, Mitre again wrote to Urquiza reiterating his determination to maintain complete neutrality:

But if unfortunately our neutrality is not respected by our neighbors, if our territory is violated by any one of the contending parties, if an attempt is made to promote disorder within our own land, events will impose on me the unavoidable duty of guaranteeing above everything the honor and security of the Argentine nation, and, once placed in such a situation, I should not shrink from so sacred a duty⁵³

He concluded by inviting Urquiza to an exchange of views. Urquiza replied that he relied on the pacific policy of Mitre, but that in a real national emergency the President could count on Entre Ríos, who would, however, certainly oppose a policy of intervention. He then offered the opinion Mitre had invited. If the case should arise, "the free and innocent passage of both belligerents across the unpopulated territories of the Misiones would not be of any importance. The interest involved in their prohibition would not be comparable to the evils we should call down on our heads if through this we should involve ourselves in an alliance with one of them that the country does not accept, and that would make us the principal actor and victim in the struggle—ally and foreign enemy, alike perhaps, enjoying the misfortunes that would overtake us"⁵⁴

He made clear that Entre Ríos and Corrientes were especially interested in averting complications, since they would be the theatre of war. He concluded by suggesting that Mitre should endeavor to mediate between Paraguay and Brazil. In his reply Mitre again assured Urquiza of his unalterable determination to adhere to his policy of the most strict neutrality:

I shall not omit any effort in my power compatible with the dignity of the Argentine people, . . . not only because I believe that I am thus fulfilling one of my highest duties to my country, but because I am avaricious of Argentine blood and shall not allow a single drop to be spilt unless justified by the most imperious necessity and by my conscience . . . above every other consideration I always place the true interests of the country and the duty I have sworn to fulfil of keeping vigil for her preservation . . . guiding her by the way of peace and the law. But I should not be satisfied with myself nor regard myself as working in the sense of the honor and the dignity of the country, were I to consent

⁵³Mitre to Urquiza, Buenos Aires, December 23, 1864, *Archivo Mitre. Guerra*, II, 86.

⁵⁴Urquiza to Mitre, San José, December 29, 1864, *ibid.*, p. 89.

to their detriment by tolerating or permitting the passage across Argentine territory of one or the other of the belligerents. That is the neutrality of feeble states, who, finding it impossible to make their rights respected, submit to such a violation of their territory because they have no other recourse against much stronger powers.⁵⁵

Besides, the firm attitude taken up by his Government on the occasion of the violation of Argentine territory by the troops of the Montevidean Government in pursuit of some of Flores' partisans had established a rule, which could not be broken in favor of another power, that the Argentine Government demanded reparation for the slightest violation of its territory even in deserted regions. Complaisance such as Urquiza suggested might have the most serious consequences as a precedent in the future. He expressed his belief that both Brazil and Paraguay would respect Argentine territory; assured Urquiza that he would not miss any opportunity of bringing the conflicts among the neighbors of Argentina to an end, though the attitude of the Montevidean Government made any interposition of good offices at the moment useless. He concluded by accepting Urquiza's suggestion that the latter should send his Secretary, Dr. Victorica, to Buenos Aires to discuss further the matters raised in this letter.⁵⁶ Urquiza replied that he was well satisfied with the report of his conferences with Mitre that Dr. Victorica had brought.

To save the Republic from becoming entangled in the present struggle between Uruguay, Brazil and Paraguay, to preserve the peace to which alone we can owe the growth of our institutions and the development of our growing prosperity is to do all that the country could demand of Your Excellency, who will obtain with it the greatest glory that falls to the share of those who are at the head of peoples.

I am the more satisfied with this in that misgivings were afflicting me for the fate of what had cost us such labor and sacrifices—misgivings that I did not conceal of an odious alliance⁵⁷

Mitre replied at once to inform Urquiza that Brazil, invoking a promise made by Urquiza himself in 1859 when President of the Argentine Confederation, had just asked permission to cross the territory of the Misiones in the campaign against Paraguay, but that he was steadfastly refusing to deviate from his policy

⁵⁵Mitre to Urquiza, Buenos Aires, January 9, 1865, *ibid.*, p. 92.

⁵⁶*Ibid.*, pp. 93-4.

⁵⁷Urquiza to Mitre, San José, January 23, 1865, *ibid.*, p. 95.

of strict neutrality. He asked Urquiza to exert his influence with the newly elected Governor of Entre Ríos, José Domínguez, to prevent a raid into Uruguay that was being organized by Colonel Telmo López and some Uruguayan *émigrés*. He also took the opportunity of pointing out to the victor of Caseros that there was a time when the Brazilian alliance had not been odious to him: "Brazil is a powerful nation who could do us much harm and up to now has done us more good than evil." He bespoke the aid of Urquiza in making clear to all citizens the vital interest they had in supporting the national Government in its policy of a self-respecting neutrality. In this he was confident Urquiza would lay aside all personal antipathies and repugnances. He concluded by relating another effort he had made, through the Diplomatic Corps at Montevideo, to arrest further effusion of blood in Uruguay by offering his services. These had been rejected by the Blanco Government in such a way as to give gratuitous offense to the Argentine Government, but he was resolved to persevere in his efforts.⁵⁸ Urquiza answered by a letter in which he informed Mitre that he had sent to his friend Dr. Carril the letters he had recently received from President López in order to reassure him, and he had requested the former to show them to Mitre. In the opinion of Urquiza the letters were such as to allay the fears that the Paraguayan Government was lacking in consideration for the Argentine Government. With this vague indication of the nature of the letters he continued:

Your Excellency knows my opinion. Perhaps in order to avoid the danger of a violation that might be necessary and would involve worse consequences, the passage, subject to conditions that could have been granted reciprocally to both belligerents, would have been advantageous

This reference indicates that Urquiza had in his hands the request by the Paraguayan Government for permission to cross the Province of Corrientes if the military operations against Brazil required.⁵⁹ López had sent him a copy. The Paraguayan note is dated January 14, 1865, but, as we shall see, it did not reach Mitre until February 6. The delay, which was probably accidental was useful to López in enabling Urquiza to exert his

⁵⁸Mitre to Urquiza, Buenos Aires, January 27, 1865, *ibid.*, pp. 96-8.

⁵⁹Mitre to Urquiza, Buenos Aires, February 17, 1865, *ibid.*, p. 104.

influence with Mitre, as the following passage from a dispatch from the British Minister suggests:

Señor Elizalde has lately informed me that the Paraguayan Government have indirectly given the Argentine Government to understand that they have no desire to commit any unfriendly act towards the Argentine Republic, to which General Mitre has in the same indirect manner, replied, that the Argentine Government are anxious to preserve good relations with Paraguay, and hope that the authorities of the latter will give them no provocation. From this it may be presumed that no violation of Argentine Territory will be committed, and without this it would be difficult though not impossible for the Paraguayan Government to send an army into the Province of Rio Grande. There is no doubt however that the Paraguayan troops are in force on the left bank of the Paraná, in that part of the territory of Misiones which they have long occupied, and which is claimed to be Paraguayan. But they cannot go thence by land either to the Province of Rio Grande, or to the Republic of the Uruguay without passing through Argentine territory. Señor Elizalde told me yesterday that the President of Paraguay had written a private letter to General Urquiza, asking him whether he thought the Argentine Government would allow the Paraguayan forces to march through their territory. This letter was forwarded to President Mitre, who replied that the same request had been made to the Argentine Government by the Brazilians, and that if permission were given to one, it could not be refused to the other, in which case the Paraguayans would probably be the greater sufferers of the two.⁶⁰

Urquiza's preoccupation with the dangers looming ahead accounts for his return to his former advocacy of the expediency of allowing both belligerents to cross the Misiones. He continued:

I called the alliance with Brazil odious because so it is for the country, because that is the general sentiment, as Your Excellency also has occasion to appreciate. If this was not the case in '51 in another situation and for a great object, it is undoubtedly so today.

He told Mitre that he could rest assured that the authorities of Entre Ríos would take all necessary measures to prevent raids by Uruguayan *émigrés* and concluded:

My personal antipathies and repugnances have never worked on my mind so as to lead me to sacrifice to them the interests of the country⁶¹

Mitre's reply is the classic formulation of his policy. The Paraguayan note, Urquiza's advocacy of complaisance on the

⁶⁰Thornton to Russell, Buenos Aires, January 25, 1865, *Correspondence Respecting Hostilities in the River Plate*, part I, no. 78.

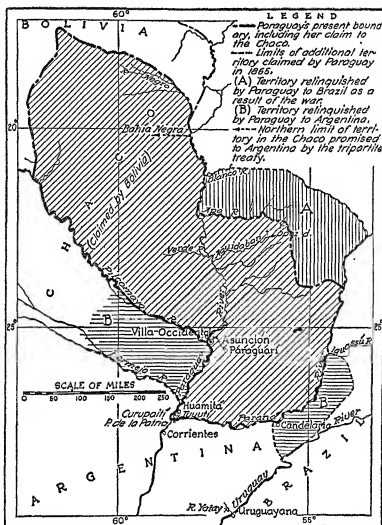
⁶¹Urquiza to Mitre, San José, February 8, 1865, *Archivo Mitre. Guerra*, II, 99-100.

subject of a military passage across the Misiones and silence as to the course he would pursue in the event of an invasion of Argentine territory made it necessary to seek a complete understanding.

Being unable to make accommodation on what is prescribed by my duty and honor, while I occupy the post to which I have been called by the spontaneous vote of the nation, and not having the permission of Congress to allow the entry of foreign forces upon Argentine territory, I cannot, nor should I, put this territory at the disposal of any army. Your Excellency already knows my opinions in this respect, and it is not the fear of greater evils or misfortunes that will make me grant either to Paraguay or Brazil that to which she has no right, with resulting diminution of the sovereignty and security of the Argentine people. A nation that does not know how to make its neighbors respect it, or does not have the power to do so in matters involving its own legitimate rights, does not deserve to figure among the free peoples of the earth, and the Government that would consent in such a matter by exceeding its powers would fall ignominiously into contempt among citizens and foreigners. For this reason if the crisis arose—which I do not fear and which is improbable—and our rights were ignored and our territory violated and converted into a theatre of war by the belligerents, even if not more than one province were to follow me, with her aid I would leave the Argentine name and Argentine honor in a good position and would fulfil my duty. But the sentiment of the great majority of the country, as I have had occasion to realize with a tranquil spirit, has declared strongly in favor of the maintenance of the sovereignty and rights of the country. Therefore I count on its decided and most effective support, as I confidently count on that of Your Excellency, if such a crisis should arise—which I trust to God will not be the case.

To save the peace while saving the dignity of the Republic without compromising its security and progress—that is the great triumph to which we must aspire If the whole country and its influential men show themselves determined to support the policy and resolution of the national Government which aim at the preservation of the present position and peace, we can say already that the situation is saved, because neither Brazil nor Paraguay can find their interest in ignoring our rights or in provoking conflicts with the Argentine people unless they count on our own divisions

Your Excellency spoke to me about a passage across desert territory, doubtless because you had not grasped the tenor of the Paraguayan note of which President López sent you a copy. In it Your Excellency will see, if you read it attentively, that he asks for passage across the inhabited territory of Corrientes without any limitation or condition of any sort, since he offers in his crossing to respect the authorities and citizens of Corrientes and asks in such a manner that his armies could cross by way of the very city of Corrientes itself. That would be to give jurisdiction to Paraguay in Argentine territory. . . .



From Robertson's *History of the Latin-American Nations*. Courtesy of D. Appleton and Company.

MAP IV.—MAP SHOWING TERRITORIAL CHANGES
RESULTING FROM THE PARAGUAYAN WAR

Peace cannot be preserved by a double violation of neutrality and by bringing the war on to our own territory. Common sense shows that this is the contrary of what must be done to prevent an entanglement

. . . . In relation to precautionary measures it is most necessary to be very circumspect in order not to inconvenience or unnecessarily alarm people. Your Excellency will have seen by this that in spite of the just alarm that has been felt in Corrientes and of the fact that it is the point where the greatest vigilance is demanded, up to now I have taken no military measures; confining myself to purely preventive action, because I believe that often complications may arise from the very steps one takes to avoid them, unless one proceeds with prudence⁶³

Urquiza's reply justified Mitre's candor and confidence:

If either of the belligerents, if Paraguay, if Brazil, if any nation, however high it rank, fails to recognize the respect due the Republic as an independent state, infringes on its sovereignty, fails to recognize its rights or ventures to humiliate its glorious flag; if any such thing should happen, there should be no possibility of hesitation as to the course to take. There is only one course for a worthy and brave people, only one for the Government to which that people has trusted its destinies. That sole course would be to march united and resolved to spare no sacrifice nor omit any legitimate means of securing the just satisfaction of its wounded honor, the condign vindication of its outraged rights If the unfortunate hypothesis to which you have referred should be realized, the acts that may take place having been weighed with the mature deliberation that ever guarantees good resolutions, it would not be necessary for the Republic to seek the alliance of the enemy of the power that may wrong it. It would move united, strong and resolved to secure the triumph of its cause and the victory of its rights. Your Excellency would see yourself surrounded by the entire people, liberated from party divisions and aspiring only to vindicate the national honor, which touches all and which is of equal interest to all

He concluded by emphasizing the vital interest for Argentina of maintaining her strict neutrality.⁶⁴

In reply Mitre expressed his satisfaction and reiterated his determination to remain neutral and to utilize the first opportunity that presented itself of mediating between Brazil and Paraguay.⁶⁵ He had assured himself that Urquiza would pursue a national policy if Argentine territory were invaded and was too acute to comment on his anxiety to avoid a Brazilian alliance at all costs.

The correspondence we have reviewed reveals the complexity of the internal situation. Both Mitre and Urquiza are clearly preoccupied with the menace from Paraguay. Urquiza seems to

⁶³Mitre to Urquiza, Buenos Aires, February 17, 1865, *Archivo Mitre. Guerra*, II, 101-6.

⁶⁴Urquiza to Mitre, Uruguay, February 23, 1865, *ibid.*, pp. 107-8.

⁶⁵Mitre to Urquiza, Buenos Aires, March 3, 1865, *ibid.*, pp. 109-10.

have known that López intended to cross Argentine territory, for his early suggestion that Mitre grant permission to the belligerents to cross the Misiones reveals his anxieties. The Urquiza of India Muerta and Vences, the henchman of Rosas, had become a national statesman at Caseros, and he had not ceased to grow. His next great service to his country was to inaugurate the national constitution and, a *caudillo*, thus deal a death blow to *caudillaje*. His crowning service was to lose the battle of Pavón and, by a defeat that is still a mystery, to surrender the leadership of the Argentine Confederation to Buenos Aires. There was no other way to secure national unity and that economic development of Argentina in which he was personally, as well as ideally, interested. But he could not wholly escape his past; the reactionary provincial politicians looked to him for leadership against their old enemies, the latter-day Unitarians of Mitre, and he could not ignore them. Hence the ambiguity of his position, an ambiguity that cost him the confidence of *caudillos* like López Jordán, and their friends in Asunción and Montevideo, while fanning the old suspicions of Buenos Aires. The greatness of Mitre was shown in his willingness to conciliate rather than antagonize Urquiza, who was more than willing to be converted and to advance again from his provincial base in Entre Ríos on to the platform of a national policy.

In his fear and hatred of Brazil, Urquiza reflected provincial sentiment, a sentiment that Mitre did not share. Buenos Aires with her enemies entrenched at Montevideo, Asunción, and in the provinces, could not afford politically or economically to be hostile to a potential friend. Besides, Mitre's liberalism inclined him to admire the prosperity and order of the "crowned democracy," as he called her. Confronted with the vast problem of national consolidation, he was willing to ignore the "peculiar institution" of negro slavery in Brazil, which so aroused Alberdi, in view of the great achievement of the Empire as a shining example of constitutional order and economic progress amid the welter of South American *caudillaje*. The correspondence of Mitre and Urquiza reveals the *rapprochement* of the two leaders. Urquiza accepts the invitation to support the national Government in defending the national territory against any violation by either of the belligerents and gives up his plan of averting war by a compliance con-

ceived in the interests" of Corrientes and Entre Ríos. He advances to Mitre's side and takes up a national position. In doing this the great *caudillo* realized that were war to follow he would alienate forever the men who were ready to rise against Buenos Aires at the first favorable opportunity. The correspondence shows that for both men a strict neutrality in the Brazilian-Paraguayan war was the foundation of their joint program. Were Mitre to give the *exaltés* of Buenos Aires a free hand and yield to the blandishments of Silva Paranhos offering him the Supreme Command in a war against Paraguay, he would lose Urquiza and precipitate civil war; were Paraguay to violate Argentine territory Urquiza might have to gamble his life against the reactionaries. But Mitre knew that were López to justify the fears inspired in Corrientes by the Paraguayan military concentration on the frontier, he could rely on the greatest of the *caudillos* to rally to the national flag. The Brazilian alliance in such circumstances would be inevitable—the provinces would not be able to refuse it. With the Convention of February 20 and the fall of the Blanco régime in Montevideo one imminent source of danger to the national Government at Buenos Aires was removed.⁶⁵ There was no danger of Brazil earnestly, even feverishly, soliciting the alliance of Argentina, violating the neutrality which Mitre was determined to defend. The sole threat came from Paraguay; the decision of peace or war would be made in Asunción.

At this point we must again retrace our steps and survey the relations of Mitre and Urquiza with the man who had already precipitated one war and was at that moment meditating another.

We have seen that on November 12, 1864, López precipitated war with Brazil by the seizure of the *Marques de Olinda* and by informing the Brazilian Minister by the note of Berges⁶⁶ of the

⁶⁵Mitre to Urquiza, Buenos Aires, March 3, 1865, *op. cit.*, p. 110.

⁶⁶The sequence of events is often obscured. The *Marques de Olinda* was overhauled on November 12. Berges' note of November 12, severing diplomatic relations, reached the Brazilian Minister at the moment (before 9 a. m.) that he heard that the steamer had been brought back to Asunción on the morning of November 13. In other words Vianna de Lima was notified of the rupture before he had time to protest against the seizure of the *Marques de Olinda* which he did immediately (9 a. m.). Clearly the Paraguayan Government was trying to preserve the semblance of legality, which could have been better secured by rupturing relations on November 12. But at that moment López did not know whether the *Tacuarí* had been able to overtake the *Marques de Olinda*.

same date that in view of the invasion of Uruguay by Brazilian forces the diplomatic relations of Brazil and Paraguay were severed and the measures Paraguay had foreshadowed in the note of August 30 would now be taken. Since the rupture of diplomatic relations had its justification in the Brazilian invasion of Uruguay, one would naturally expect López to have immediately launched an attack against the Empire across the Misiones and in the direction of Rio Grande do Sul. Had he struck at once from Itapúa he might have crossed the upper Uruguay before Flores and the Brazilians had closed on Paysandú. Instead, in December a Paraguayan naval and land expedition was dispatched against Matto Grosso, which embarked at Asunción and marched from Concepción on December 24, 1864. Some 6,000 men were employed, and they had no difficulty in taking Fort Coimbra and the capital of the Province, Corumbá. Not until the middle of 1865 did the expedition return, after leaving garrisons in the principal points of the occupied territory. López thus involved an important force in a campaign against a practically defenseless province from which there was no military threat and which was his for the asking. Later events were to show that there was no chance of a Brazilian attack being made on Paraguay from Matto Grosso. The difficulties of the land communications with Rio de Janeiro were at that time insuperable.⁶⁷ That the stroke had a political and not a military inspiration is almost certain. López must have been informed of the state of Brazilian defenses in Matto Grosso. Possibly the immense supplies of cattle, in which Paraguay was particularly deficient, made available for his armies by the expedition constituted an important motive.⁶⁸

Meanwhile precious time was being lost. Had López marched on Rio Grande immediately, Mitre would have been placed in a position of extraordinary difficulty. As we have seen, public opinion in Argentina had turned against Brazil, and the Paraguayan declaration of war was applauded except in Buenos Aires. Had the Paraguayan forces marched across the disputed and largely uninhabited territory of Misiones, López could have maintained that he was not prejudicing Argentine claims, and, as we

⁶⁷Beverina, *La guerra del Paraguay*, I, pp. 65-6, 68-9.

⁶⁸Thornton to Russell, Rio de Janeiro, November 7, 1865, F. O., 13.428, despatch no. 10.

have seen, he would have had the support of Urquiza. Had Mitre determined to make the issue a *casus belli*, he would have put himself in the position of rushing to the defense of Brazil engaged at that moment in an invasion that had roused the Argentine provinces to a fury of indignation. To have taken action against Paraguay at that moment would almost certainly have spelt civil war. López, however, preferred to fritter time away in a useless promenade into Matto Grosso. The latest military historian of the Paraguayan war suggests that López wanted to force the Empire to terms by the spectacle of the loss of the chief part of an important province. He counted on depressing volatile Brazilian opinion. It is difficult to accept this view. The invasion at a stroke occupied the disputed territory between the Ríos Apa and Blanco and had a most favorable repercussion on public opinion. It was at the same time spectacular and an announcement to Argentina that López was effectively on the warpath. The pause that follows does not mean so much the pause of irresolution as of expectation. An attentive study of these days gives the impression that López was waiting for something to happen in Argentina. On December 24, 1864, José Vazquez Sagastume, the Uruguayan Minister in Asunción, to whose influence the fateful decision of López on November 11 is said to be due, wrote to Urquiza that only the close union of Paraguay, Entre Ríos and Uruguay could defeat the machinations of Mitre and Brazil. He concluded with a personal message from López to Urquiza that the President was counting on the great *caudillo*.⁶⁹ On the same date he wrote to Dr. Santiago Derqui, former President of the Argentine Confederation, then living in retirement at Corrientes, to ask him if it would be possible to form a government in Corrientes outside the Porteño influence.⁷⁰ A few days before, the American Minister at Asunción had reported to his Government:

. . . . It is here universally believed that in all this controversy with Brazil, President López has relied very much on the assistance of General Urquiza, who is almost as absolute in the Argentine Province of Entre Ríos as the former is in Paraguay⁷¹

⁶⁹Vazquez Sagastume to Urquiza, Asunción, December 24, 1864, Herrera, *La diplomacia oriental en el Paraguay*, III, 391.

⁷⁰Vazquez Sagastume to Derqui, Asunción, December 24, 1864, *ibid.*, p. 392.

⁷¹Washburn to Seward, Asunción, December 14, 1864, State Department MSS, Paraguay 1.

It is highly probable that so far as Brazil was concerned López had received encouragement from Urquiza. It is significant that so late as December 14, 1864, Washburn did not seem to be aware of the possibility of complications with Argentina.⁷² It was the development of his Argentine policy that was to shatter whatever entente López had with Urquiza.

At the time of the Paraguayan attack on Brazil some important consignments of arms were on their way from Europe. The problem for Mitre was to decide whether he should let them pass. He decided to allow them to go through.

The cases that came from Europe were trans-shipped at the port of Buenos Aires for Paraguay and, by special permission of the Minister of Finance, their contents were not specified on the bills of lading.⁷³

Early in January, 1865, Señor Anacarsis Lanuz returned to Buenos Aires from a visit to Asunción, where he had discussed at great length the relations of Argentina and Paraguay with President López and the neutrality of the Argentine Government in the war between Paraguay and Brazil. He immediately reported these conversations to President Mitre, who approved of his proceedings. He then suggested that since he was about to return to Asunción he should summarize his conversations with López in a letter to Mitre, who could reply in a letter which Lanuz could show to López. Mitre agreed, and on January 11, 1865, he addressed a letter to Lanuz affirming his resolution to maintain the strictest neutrality. This letter Lanuz took to Asunción and showed to López. The Paraguayan Confidential Agent in Buenos Aires, Egusquiza, approved of the activities of Lanuz and continued to report to his Government that there was nothing to fear from Argentina.⁷⁴

Whether López had up to this date counted on the Blancos putting up a prolonged resistance while he matured his obscure machinations in Corrientes and Entre Ríos and was now alarmed by the fall of Paysandú and the advance of the allies on Monte-

⁷²Shortly afterwards Washburn went on leave and owing to the deliberate obstructions of the allies was able to return to his post eighteen months later only after a virtual ultimatum from the United States to Brazil and Argentina.

⁷³*Fallos de la suprema corte*, IV (Argentina), p. 105, cited in Rebaudi, *op. cit.*, pp. 4-5, 20.

⁷⁴Sworn statement of Anacarsis Lanuz, cited in Rebaudi, *ibid.*, p. 21.

video, or for some other reason, he now took a step that played directly into the hands of Mitre. On January 14, 1865, Berges addressed a note to Elizalde asking permission for Paraguayan forces to cross Corrientes. He wrote:

The undersigned has the honor to address himself to Your Excellency by order of the President of the Republic in order to request of the Argentine Government that the armies of the Republic of Paraguay may cross the territory of the Argentine Province of Corrientes in case this country is compelled to such a course by the operations of the war in which she is engaged with the Empire of Brazil . . . The Government of this Republic hopes that the Argentine Government will consent without difficulty to this request and at once tenders the assurance that the whole crossing will be effected without injury to the population and with all due consideration to the Argentine authorities. . . .¹⁵

He concluded by citing as a precedent the fact that Buenos Aires—then separated from the Argentine Confederation—and the national Government had in 1855 allowed the Brazilian naval expedition against Paraguay to pass with troops up the Río de la Plata and the Paraná to the Río Paraguay. The squadron was received hospitably and was able to provide itself with all kinds of resources. For this reason the Paraguayan Government felt that Argentina would be willing to accede “to this act of just reciprocity.” It would be difficult to imagine a greater political blunder than López committed in addressing this note to the Argentine Government. At a single stroke he disarmed Urquiza in his struggle with Mitre to secure the transit of the belligerents across the Misiones. He provided Mitre with an unanswerable reason for refusal by asking in effect to have the Province of Corrientes placed at his disposal. As we have seen, Mitre had resolved to refuse permission to cross even by the deserted Misiones territory. His case was now immensely strengthened.

Luis Caminos was sent to Buenos Aires with the note and authorized to bring the answer. He intended to travel by the English steamer *Ranger*, by which the United States Minister, Washburn, left Asunción on leave on January 16.¹⁶ At the last

¹⁵*Memoria*, Argentina, 1865. Also text in Beverina, *La guerra del Paraguay*, I, Anexo No. 9, pp. 400-1.

¹⁶López expressed regret that Washburn chose such a critical moment at which to proceed on leave and hinted that there were likely to be developments. Washburn, however, wrote to Seward that he could get back to Paraguay before any serious political or military developments took place¹.

moment, however, the captain refused to take the Paraguayan envoy as a passenger for fear of compromising his vessel in view of the war.⁷⁷ Accordingly it was not until the first days of February, 1865, that Luis Caminos arrived in Buenos Aires. On February 6, he presented the Paraguayan note soliciting permission to cross Corrientes. But Caminos had further instructions. In a letter to his Minister in Paris shortly before, López had answered his appeals for more funds to purchase war-supplies and vessels in Europe:

In view of what you tell me of the proposals received from Nantes and of your lack of funds, the Ministry of Finance in order to provide more resources is at this juncture sending its chief official Señor Caminos to Buenos Aires with authority to negotiate on that exchange for a sum amounting to a hundred or two hundred thousand pounds sterling to remit to you⁷⁸

The Paraguayan Confidential Agent in Buenos Aires wrote to Bareiro:

The principal object he [Caminos] had in mind was to seek in one of the banks of this market the sum of from 300,000 to 500,000 silver dollars. The operation would have been easy to realize three or four months ago; but at this moment I consider it, if not impossible, extremely difficult, not only on account of the monetary crisis through which this market is passing, but because of the political events which are causing the fear of a general conflagration in the states of the Plata. As raising a loan here at this moment is almost impossible, it will not surprise me to see you shortly sent power to raise one in London or Frankfort, where I believe it will be very easy to promote one But I greatly fear the President is letting time pass and that when he wants to do so it will be too late, as is the case here, or, if not too late, it will have to be done under conditions more unfavorable than those we should obtain today. Our President has the defect of letting time pass and waiting for the last moment, and sometimes this is likely to have lamentable consequences⁷⁹

The next day Caminos wrote to Bareiro that he would have been able to arrange for £10,000 but that, as it was an insignificant sum compared to what was wanted, he had decided not to accept it for fear of injuring the credit of Paraguay.⁸⁰

López at the very moment that he was going to strain his relations with Argentina still further by requesting a military passage

⁷⁷López to Bareiro, Asunción, February 1, 1865, Rebaudi, *op. cit.*, p. 322.

⁷⁸López to Bareiro, Asunción, January 16, 1865, *ibid.*, pp. 317-18

⁷⁹Egusquiza to Bareiro, Buenos Aires, February 11, 1865, *ibid.*, p. 36.

⁸⁰Buenos Aires, February 12, 1865, *ibid.*, p. 36.

across her territory attempted to raise a loan on the Buenos Aires market, a loan of which he stood in desperate need and without which his orders for war-steamers and equipment in Europe must lapse. It is an extraordinary revelation of political incapacity.⁸¹

Elizalde received the Paraguayan note on February 6, and the reply of the Argentine Government is dated February 9, 1865. The reply refused the permission solicited, but Elizalde, after making clear that no reasons need be adduced for refusing such a request, proceeded to justify the refusal. In the first place he pointed out there was no imperious necessity; Brazil and Paraguay had a long common frontier on which to fight and Paraguay had already invaded Matto Grosso. In spite of the Paraguayan assurances, to grant the permission would be to make Corrientes a theatre of war, for Brazil would have to be granted the same privilege. As to the precedent of 1855, what was granted then could be refused now. In any case the precedent was a bad one, for Brazil solicited passage for the fleet in time of peace. No war had been declared, and in fact no war took place. Subsequently the free navigation of the Río de la Plata and the Paraná for merchantmen and ships of war had been assured by international treaty.* Were such a concession granted to Paraguay, Brazil would most certainly have just cause for offense, since the explicit object of Paraguay was to attack a Brazilian Province. The "precedent" of 1855 could not justify such an "act of reciprocity." "There is no reciprocity between the innocent passage by navigable waters to arrive at a pacific negotiation and the passage for an avowedly hostile object." Finally, it is a universally admitted doctrine that passage by water, since it does not offer the same difficulties as passage by land, should be conceded to all. Were the contrary the case it would be equivalent to establishing the right of the power controlling the mouth of the river to establish a permanent blockade on states situated up stream.⁸²

*Similarly on October 6, 1864, Bareiro, Paraguayan Chargé in Paris and London, wrote to Russell asking permission for a war vessel to be constructed and equipped for Paraguay by Messrs. Blyth. Russell gave permission on October 17 "on the understanding that your Government is not at war with any other state" with which Great Britain was at peace. F. O., 6.253.

⁸²Beverina, *op cit.*, I, 402-6

On the same day Elizalde addressed a further note to Berges asking for explanations on the augmentation of Paraguayan forces in the disputed zone of the Misiones and the concentrations on the Argentine frontier:

At the same time as the arrival of this news it is reported that this army is on the march in order to pass by way of Argentine territory in the course of operations against Brazil and her ally Brigadier-General Don Venancio Flores, Head of the Uruguayan Revolution, and that it is expected from one moment to another.⁵⁸

It is at first sight rather difficult to account for this request for "explanations." A few weeks before, President Mitre had written to Governor Manuel I. Lagraña of Corrientes:

. . . . As to the alarm that exists in the Province due to fear of sudden attacks by Paraguay, I do not think there is any reason for it. It is not to the interest of President López to provoke us to a conflict, involved as he is in another with Brazil⁵⁹

A few days before, he had written to the same Governor:

Although I understand the fears that are harbored in the province of some violent act on the part of that government, which is easily explained by the proximity of that country and the frequent news they have of the movements of forces operating there, up to the present I have had no reason to expect such acts. The fact that forces are approaching that frontier cannot be regarded as such nor that they occupy that part of the territory of Misiones which, though disputed by this Republic, is in fact in the possession of the Paraguayan Government

He concluded by giving Lagraña instructions as to the steps to take if an act of hostility is committed by Paraguay.⁶⁰ This moderate and cautious language of Mitre to the Governor of Corrientes, who was becoming more and more alarmed at the news he was receiving from Paraguay, is in distinct contrast with the demand for "explanations" of these military movements addressed to the Paraguayan Government. A study of the note of February 9, 1865, suggests that it was intended to reinforce the refusal of the Argentine Government to accede to López' request for a passage across Corrientes. The note that the Argentine Government had received on February 6 had given Lagraña's fears a new significance. The receipt of this request from Para-

⁵⁸*Ibid.*, pp. 407-8.

⁵⁹Mitre to Lagraña, Buenos Aires, January 9, 1865, Rebaudi, *op. cit.*, p. 258.

⁶⁰Mitre to Lagraña, Buenos Aires, January 31, 1865, *ibid.*, pp. 259-60.

guay does not seem to have seriously disturbed the Argentine Government. Thornton wrote:

Señor Elizalde seemed hardly able to form an opinion as to what step the Paraguayan Government would decide upon taking when the rejection of their petition by the Argentine Government should reach them, but he was rather disposed to think that they would be glad to put it forward as an excuse for not helping their Montevidean Allies.⁸⁸

In the meantime Urquiza had made another attempt to avert the disaster he clearly foresaw.

The nature of the relations of López and Urquiza at this time is momentarily illuminated by the President himself. On January 1, 1865, he had written to his Minister in Paris:

Within a few days General Urquiza will have to take up a definite attitude. It will not be possible for him to continue as up to the present.⁸⁹

In another to the same Minister at the beginning of February, 1865, he wrote:

The plan for the segregation of Buenos Aires in order to form an Argentine Confederation does not meet with the General's approval. Inform Dr. Alberdi of this. I have already spoken to you of him on a previous occasion, and you can make use of his services according to the development of affairs, employing all the prudence necessary⁹⁰

Urquiza had by now satisfied himself that Mitre was resolved to pursue a policy of genuine neutrality while safeguarding all Argentine rights. The copy of the Paraguayan note of January 14, 1865, that López sent him revealed the gulf that had suddenly opened at his feet. Accordingly with the knowledge of Mitre, Urquiza dispatched his private Secretary, the young Dr. Victorica, to impress upon López the fact that there was nothing to fear from the policy of Mitre so long as López avoided a complication with Argentina.

"I believe," wrote Urquiza to his Secretary at Buenos Aires, "that once this circumstance is averted, Paraguay will gain great advantages and place Brazil in a difficult position."⁹¹

⁸⁸Thornton to Russell, Buenos Aires, February 11, 1865, F. O., 6.255, despatch no 10.

⁸⁹López to Bareiro, January 1, 1865, Benites, *Anales . . . de la guerra del Paraguay*, I, 138.

⁹⁰López to Bareiro, Asunción, February 1, 1865, Rebaudi, *op. cit.*, pp. 326-7. Urquiza is frequently referred to as the General in the correspondence of López and his Ministers.

⁹¹Victorica, *op. cit.*, p. 481.

Victorica found López much excited over the refusal of Mitre to accede to his request for a passage across Corrientes and especially irritated by the request for "explanations" of his military movements. He showed Victorica the two notes that had just arrived and asked what other reason except hostility to Paraguay could have prompted a request for explanations on her troop movements from a country at war? As if in such a case troop movements in Paraguayan territory were not inevitable and reasonable.⁹⁰ Victorica urged General Urquiza's opinion of Mitre's policy on López, who listened courteously but apparently without conviction. On the contrary he persisted in sounding Victorica on the possibility of Urquiza co-operating with Paraguay against Buenos Aires—or otherwise as to the chances of revolution in Argentina. Dr. Victorica has related the conclusion of this conference:

On López making me the statement that General Urquiza could count on him in making himself President by overthrowing General Mitre, I made clear to him that such an offer could not be accepted by the Liberator of the Republic and the founder of her Constitution. "Then," said López raising his voice, "if they provoke me I shall go straight ahead with everything."⁹¹

The situation was now desperate, but Mitre continued hopeful. A few days after this fateful conversation he wrote to Urquiza:

. . . Now that the war in which Paraguay and Brazil are engaged has moved away and its theatre will have to be far distant from us (even if our frontier through part of Corrientes may offer some difficulties), by continuing the strict neutrality which the Argentine Republic has declared in that struggle and which is and I hope will continue to be respected by both belligerents, I believe that we shall save ourselves from all entanglement without injury to our rights or dignity⁹²

López, however, had no illusions after the visit of Dr. Victorica. In a letter to Bareiro on the probable attitude of certain Argentine provinces in case Mitre allied himself with Brazil against Paraguay, he wrote:

That event is very likely to happen, and though we no longer count on a single dissident because General Urquiza has not fulfilled his own

⁹⁰The interviews between López and Victorica took place at Asunción sometime between February 20 and 25, 1865.

⁹¹Victorica, *op. cit.*, p. 483.

⁹²Mitre to Urquiza, Buenos Aires, March 3, 1865, *Archivo Mitre. Guerra*, II, 110.

spontaneous promises, yet if war with that country becomes inevitable, counting on the firmness and enthusiasm of my fellow countrymen, I hope to bring it to a good conclusion.⁹³

But already, even before the mission of Dr. Victorica, López had taken a step revealing that even if he had not yet decided he was certainly contemplating decisive action. On February 25 there appeared in the *Semanario* a decree bearing the date February 15, convoking an extraordinary National Congress to meet at Asunción on March 5, 1865. Inevitably the two hundred members were hand-picked. During the session the representatives of the people proceeded regularly to the government offices to receive instructions as to their attitude on the various questions submitted to their consideration.⁹⁴ Among its other acts it decreed the title of Marshal to President López and approved the constitution of the new Order of Merit he had drawn up. In his message the President pointed out the grave crisis through which the country was passing and commended its interests to the care of Congress. After hearing the *Memoria*⁹⁵ of the Foreign Minister, José Berges, the Congress appointed a special commission to hear and report on the facts and documents relative to the foreign policy of Paraguay. On March 17, 1865, the Commission reported and submitted a project of law to the Congress. The report is an extraordinary document and deserves close attention.⁹⁶

It begins by approving the war with Brazil and the invasion of Matto Grosso. The former is justified by the refusal of Brazil to answer the note of August 30, 1864, the latter as the just re-vindication of territories stolen by Portugal from Spain.

No American Government has gathered round its name more serious or juster charges for acts of ambition and perfidy than the Brazilian Cabinet, from the time that it was a colony of Portugal, of whose policy it is the heir and which it has constantly pursued.⁹⁷

⁹³López to Bareiro, February 26, 1865. Benites, *Anales . . . de la guerra del Paraguay*, I, 138, and Rebaudi, *op. cit.*, p. 59.

⁹⁴Thompson, *The War in Paraguay*, p. 25.

⁹⁵Text of *Memoria*, Benites, *op. cit.*, I, pp. 159-70.

⁹⁶Text, Beverina, *op. cit.*, I, pp. 416-28; Benites, *op. cit.*, I, pp. 170-81, French translation, Poucel, *Le Paraguay moderne*, App.

⁹⁷Beverina, *op. cit.*, I, p. 417.

The Government policy in defending the *status quo* and the balance of power in the Río de la Plata, threatened by the Brazilian invasion of Uruguay, was approved.

The Commission proceeded to discuss the attitude of the Argentine Government. It found the refusal of General Mitre's Cabinet to grant the Paraguayan request for a passage across Corrientes explicable only on the supposition that it desired to injure Paraguay indirectly and to seize the pretext for assisting Brazil.⁹⁸

The second Argentine note asking for explanations of troop movements especially in the disputed Misiones territory was reported to be an implicit denial of Paraguay's claims to the Misiones territory between the Paraná and the Uruguay. It briefly reviews Paraguay's claim to the whole Misiones consolidated into a territory by the Cédula Real of May 17, 1803. The report proceeds with regard to the Argentine refusal:

That Government denies us a passage by land and concedes that by river, because the naval forces of the Empire, being superior to our own, will prevent us from using that concession. If the converse had been true, it is legitimate to suppose that the Argentine Government would have also denied the passage by river, demanding explanations on the preparation and equipment of our squadron.⁹⁹

It then discusses at some length the general unfriendliness of Argentina since the first days of Paraguayan independence and the existing violent campaign against Paraguay in the Buenos Aires press.

One of the gravest charges of which the Argentine Government is accused is that the programme of its international policy conceals the intention of reconstructing the ancient viceroyalty of Buenos Aires and that it aided or at least tolerated the recruiting of troops and the accumulation and dispatch of war supplies for General Flores in order to fight the legal authority of Uruguay. The refusal on the part of the Argentine Government to offer the friendly explanations that were asked implied, then, a tacit admission of the accusations directed against it by the Uruguayan Government.¹⁰⁰

The hostility of the Buenos Aires Government was shown in the violence of the attacks on Paraguay that appeared in the paper known to be the official organ of the Mitre Government

⁹⁸*Ibid.*, p. 419.

⁹⁹*Ibid.*, p. 420.

¹⁰⁰*Ibid.*, p. 422.

and in the fact that the revolutionary committee of Paraguayan traitors had been reconstituted in Buenos Aires with the connivance of the Government. The same tactics had been employed against Uruguay.¹⁰¹

The report then examines the Argentine refusal to permit the passage of Paraguayan forces across Corrientes "in the light of the principles of law" and finds that "guiding itself strictly by the principles of international law, the Argentine Government ought to aid us in the war which Brazil is waging on us, thus upsetting the balance of power of the states of the Plata; when there is a restless and malignant nation ever disposed to injure its neighbors, creating obstructions and rousing internal dissensions, all the others have the right to unite in repressing it and reducing it to a condition where it will be impossible for it to work evil."¹⁰²

The report clinched this interesting view of international law by citing Lamartine's *History of Turkey* on the neutrality of Austria and Prussia in the Crimean War, which he stigmatized as due to disguised hostility to France and Great Britain. The Commission found the parallel complete. Brazil corresponded to Russia, Uruguay to Turkey, Paraguay to France and Great Britain, fighting to maintain the balance of power, and Argentina to Austria and Prussia animated by a secret hostility to maintainers of that sacred principle! The Commission did not stop to enquire the status of the "illustrious French writer" as an authority on international law, nor did it observe that, though Lamartine stigmatized Austria and Prussia as hostile to France and Great Britain, he had not suggested the wisdom of the western powers declaring war on the two doubtful neutrals and so adding their forces to those of Russia!

The Commission has transcribed the two passages . . . not only because they contain a complete analogy with our situation but because they exactly express the opinion of the Commission in regard to the policy of the Argentine Government.¹⁰³

It then formulates Paraguayan grievances against Argentina:

If the silence and immobility of Austria and Prussia in a question of continental interest are considered cloaked aggressions, what qualification can be given to the Argentine policy of proclaiming neutrality and

¹⁰¹*Ibid.*, p. 423.

¹⁰²*Ibid.*, p. 423.

¹⁰³*Ibid.*, p. 425.

openly protecting a rebellion, favoring the action of an Empire against a weak sister Republic, and promoting discord in another nation that with generous self-abnegation rushes to the defense of the first and of the peace of the states of the Plata . . . ? How can one qualify the conduct of the Argentine Government that concedes a passage that is not asked and denies one that is solicited as necessary and useful for the preservation of the balance of power of the states of the Plata . . . ? The Commission therefore thinks that, should war with the Argentine Republic supervene owing to the passage of our armies by way of the territory of the Misiones or by its own, it will not be war but simply the defense of the peace and of our own safety.¹⁰⁴

In the opinion of the Commission the whole trouble arose from the machinations of the Porteños, "for it is far from the mind of the Commission to confound the Argentine people with this demagogic faction of Buenos Aires."¹⁰⁵

As we have seen, the report of the Commission was submitted to the Congress on March 17, 1865. On March 18, the accompanying project of law was voted and approved. It approved the policy of the Government towards Brazil, authorized the continuance of the war and declared war on Argentina. The reasons adduced for the latter step were (1) the two Argentine notes of February 9, denying military passage across Corrientes, (2) the denial of Paraguay's right to the territory of the Misiones between the Paraná and the Uruguay, (3) the support lent by the Argentine Government to the Paraguayan revolutionary committee, (4) the open support accorded in the official press of Argentina to Brazil against Paraguay. The declaration was signed by López and ordered to be published on March 19, 1865.¹⁰⁶ It appeared in the official *Semanario* on March 25,¹⁰⁷ but not a word was known outside Paraguay of what had been transacted behind the closed doors of the Sala de Sesiones.

In the meantime, ignorant of the fateful developments in Asunción, President Mitre was confronted by another problem in the blockade of Paraguay announced by Brazil. On March 12 the steamer *Salto* had arrived at Asunción bringing the news that eight gunboats comprising the vanguard of the Brazilian fleet

¹⁰⁴*Ibid.*, pp. 425-6.

¹⁰⁵*Ibid.*, p. 426.

¹⁰⁶Text, Benites, *op. cit.*, I, pp. 181-3.

¹⁰⁷Rebaudi, *op. cit.*, pp. 291-2, note.

were provisioned and due to ascend the river the same month to establish the blockade of the Río Paraguay.¹⁰⁸ By the treaty of friendship, commerce and navigation, signed at Paraná on March 7, 1856,¹⁰⁹ by the plenipotentiaries of Brazil and the Argentine Confederation, the Visconde de Abaeté and Juan María Gutiérrez, it was provided that the navigation of the Río de la Plata system in time of war should remain free. It followed that ports only and not rivers could be blockaded. For that reason the Brazilian squadron blockaded the Uruguayan ports of Salto and Paysandú but not the mouth of the Río Uruguay. In the case of Paraguay it was clearly to Brazilian interest to secure Argentine acquiescence in a blockade established at Tres Bocas, the point of junction of the Paraguay and Paraná rivers. To conform to the treaty it would be necessary for the Brazilian squadron to run the gauntlet of the great fortress of Humaitá in order to establish the blockade of Pilar, the first Paraguayan port above the river's mouth. Everything, therefore, depended on Mitre's decision and Berges evidently expected him to wink at a violation of the treaty in favor of Brazil.¹¹⁰

At this point Señor Anacarsis Lanuz reappears upon the stage. In March, on one of his visits to Mitre, the President asked him if he were likely to make a journey to Asunción in the near future. He replied that he could make an opportunity, whereupon Mitre said he would like him to convey another letter to López even more explicit than the previous and to inform him personally of the Argentine Government's resolute determination to maintain a strict neutrality. Lanuz was encouraged to undertake the mission by Egusquiza, the Paraguayan Confidential Agent, who was gravely alarmed at the drift of events in Asunción. He arranged to sail from Buenos Aires on the *Salto* on March 25. On the evening of March 23, he visited Dr. Gutiérrez, editor of the *Nación Argentina*, who at once informed him that a report had come in that arms were being loaded on the *Salto* for Paraguay. Lanuz went to the Captain, who confirmed the news. Between ten and eleven that night Dr. Gutiérrez and Lanuz called

¹⁰⁸Berges to Bareiro, Asunción, March 15, 1865, *ibid.*, p. 236. Telegram Caminos to Berges, on board *Salto*, March 11, 1865, *ibid.*, pp. 38-9.

¹⁰⁹Campos, *Relações diplomáticas do Brasil*, p. 7; Rebaudi, *op. cit.*, p. 72.

¹¹⁰Berges to Bareiro, Asunción, March 15, 1865, Rebaudi, *op. cit.*, p. 237.

on President Mitre. Lanuz informed him of the shipment and suggested that, if there were any objection to it, orders should be given to unload the cargo. Mitre, after reflecting a moment said:

I see no objection to the steamer transporting arms, we cannot deny to Paraguay what we do not deny to Brazil, leave the matter, do not take any steps.¹¹¹

On the morning of March 24, Lanuz received a long letter from Mitre, written in his own hand, which he was to show to López. In it Mitre announced that he had resolved to refuse his consent to the Brazilian blockade of the Río Paraguay at Tres Bocas and to insist on the Treaty of 1856.¹¹² Mitre evidently kept his word. A few days later the British Minister reported that four Brazilian gunboats with a brig loaded with coal left Buenos Aires on April 5, 1865. It was supposed that they were going up the Paraná to establish a blockade at Tres Bocas. But they merely sailed to Colonia and anchored there. Thornton wrote:

I should imagine that this delay was caused by the Argentine Government having objected to such a blockade, because at that point they claim the dominion of the right bank of the Paraguay as far up as the Vermejo, as well as the navigation of the latter River. Further the Argentine Flag has the right by the 14th and 15th Articles of the Treaty of June 25th, 1856, between this Republic and Brazil, to navigate the River Paraguay to the Brazilian ports on this River. The Argentine Government therefore justly claim that the Brazilians can only blockade the Ports on the Paraguay, and may not impede the navigation of the River. They can therefore only blockade the River as far as the Paraguayan flag is concerned, which would be of little advantage to them.¹¹³

At the beginning of April, Egusquiza again wrote to López repeating that Argentina would not enter into an alliance with Brazil in spite of the gold that the Empire was pouring out in Buenos Aires to manufacture a favorable public opinion.¹¹⁴ There is a melancholy interest in this proof that the man whom López was accusing of being a disguised ally of Brazil was allowing arms to pass to Paraguay and had resolved to prevent her blockade at the very moment when the tyrant had extracted from a

¹¹¹*Fallos de la suprema corte, Argentina*, IV, 1st series, p. 173, cited Rebaudi, *op. cit.*, pp. 21-2.

¹¹²*Ibid.*

¹¹³Thornton to Russell, Buenos Aires, April 20, 1865, *Correspondence Respecting Hostilities in the River Plate*, part III, no. 14.

¹¹⁴Rebaudi, *op. cit.*, p. 23.

venal congress a declaration of war on Argentina. At the end of March Elizalde defined the Argentine position in a conversation with the British Minister:

If the Paraguayan forces, in spite of the refusal to grant them passage, should violate Argentine territory, his Government would be obliged to declare war against Paraguay, for however anxious they might be to remain on friendly terms with that Republic and to preserve the strictest neutrality in the contest between it and Brazil it would be less disadvantageous to the Argentine Republic to declare war against Paraguay than to run the risk that Argentine territory might become the battlefield of the combatants.¹¹⁹

On March 29, 1865, José Berges addressed a note to Dr. Elizalde announcing the declaration of war. The note reviewed at some length the causes of war indicated above. It contained at least one original suggestion by which he asserted that strict neutrality demanded either the concession of the right of "innocent passage" across Corrientes or the closing of the river route to Brazil.¹²⁰ This communication did not reach the Argentine Government until May 3. In the meantime López had made clear to all honest Argentines the nature of the power with which they had to deal.

On April 3, 1865, General Wenceslao Robles received at Humaitá two telegraphic communications for Felix Egusquiza in Buenos Aires from the Foreign and Finance Ministers in Asunción. They announced briefly that war had been declared on Argentina and instructed him to inform Brizuela in Montevideo, and to take all necessary measures to wind up the financial interests of Paraguay and to safeguard her Archives. General Robles at once dispatched Lieutenant Cipriano Ayala, who left Humaitá on the national steamer *Jesús* on April 3. At Corrientes he visited the Paraguayan Agent, Miguel Rojas, and after a few hours embarked on the steamer *Esmeralda* for Rosario de Santa Fé. At Rosario he changed to the steamer *Pavón*, by which he reached Buenos Aires on April 8. At Paraná he handed to the Paraguayan Consul, José Rufo Caminos, a sealed envelope which he had received from General Robles. Egusquiza at once acted, ex-

¹¹⁹Thornton to Russell, Buenos Aires, March 25, 1865, *Correspondence Respecting Hostilities in the River Plate*, part III, no. 3.

¹²⁰Beverina, *op. cit.*, I, 432.

pecting hourly the steamer *Salto* with the official declaration of war which never arrived.

In the meantime Ayala left Buenos Aires on his return journey by the same steamer *Pavón* on April 9, probably reaching Rosario de Santa Fé the same day. There he changed to the *Esmeralda*, which was carrying a cargo of arms and munitions for the Paraguayan Government at Corrientes and Humaitá.¹¹⁷ Clearly the mission of Cipriano Ayala was to prepare the Paraguayan agents for the impending *coup de main*. Their activities on the Buenos Aires Bourse created a panic on April 15. On the morning of Good Friday, April 13, 1865, five Paraguayan war-steamers appeared before Corrientes and without warning suddenly attacked and captured the two small Argentine gunboats, *25 de Mayo* and *Guaqueguay*. A disembarkation force seized the city, and on April 14, the main Paraguayan invasion by land and water began. Governor Lagraña only just managed to escape, but his promptness defeated the nicely planned arrival of the *Esmeralda* with her cargo of munitions. Somewhere about Goya or Bella Vista she was arrested by the Argentine authorities and turned back. The Paraguayan war-steamer *Ygurey*, dispatched to meet her, arrived too late.¹¹⁸ Had López delayed his well-planned surprise by a single day, as Dr. Stewart, his English Surgeon-General, advised him, young Cipriano Ayala would have crowned his adventurous mission with complete success.¹¹⁹

The flying visit of Cipriano Ayala to Buenos Aires was the immediate cause of rumors soon to be tragically demonstrated as well founded. Four days later the British Minister wrote:

Since the afternoon of the 8th instant, a rumor has been current in this town, that the Paraguayan Government had declared war against the Argentine Republic. This report arose from the fact that a Messenger arrived on that day from Assumption with dispatches for the Paraguayan Agent here, Señor Egusquiza, who on receiving them immediately proceeded to convert a large amount of Buenos Aires Paper Currency into specie, and to transfer his real property from his own name to that of a Native. I spoke of the rumor to General Mitre and Señor Elizalde who at first disbelieved it, but they now give it credit, and the latter told me yesterday that a friend of his had seen a copy of the note from the

¹¹⁷Rebaudi, *op. cit.*, pp. 63-6.

¹¹⁸*Ibid.*, pp. 65-6.

¹¹⁹*Ibid.*, pp. 20-1.

Paraguayan Government containing the declaration of war. His Excellency expects to receive this note by the Argentine steamer *Salto* which is expected in a day or two from Assumption.¹²⁰

By an indiscretion the news of the declaration of war reached Córdoba through a private letter. Dr. Guillermo Rawson, Minister of Finance in Mitre's Cabinet, who happened to be in the city, wrote to inform the President on April 17.¹²¹

A day earlier the news of the seizure of Corrientes had reached Buenos Aires. It created an immense outburst of popular opinion against Paraguay. A great crowd assembled outside the President's Palace, and Mitre gave the historic slogan:

In twenty-four hours in the barracks;
In three weeks in the field;
In three months in Asunción!

On April 19, Urquiza's letter offering his sword to the President crossed Mitre's letter informing him of the outrage of Corrientes; the great *caudillo* wrote:

The moment has arrived when words must give place to deeds. Now it falls to our lot to fight once more under the flag which at Caseros united all the Argentines . . . I look forward to the moment of clasping your Excellency's hand and placing myself personally under your orders.¹²²

The news that Urquiza had rallied to the national Government was received by Mitre with the famous exclamation, "We reap the fruit of a great policy."¹²³

The Cavour of Argentina was right. For the moment the entire nation rallied to the leadership of Buenos Aires. The dissentients were temporarily submerged in the wave of indignation that swept over the Republic at the news of the wanton outrage, and the Buenos Aires English paper that had opposed Flores and favored Paraguay in her war with Brazil wrote:

The foreign element is of great influence and will now pronounce unanimously for President Mitre and the Argentine cause. If Buenos Aires had first declared war the case would be exactly opposite. But López has broken with all the usages of civilized nations by seizing the fleet and invading the Argentine territory before any declaration of war.

¹²⁰Thornton to Russell, Buenos Aires, April 12, 1865, F. O., 6.255, despatch no. 23.

¹²¹Rawson to Mitre, Córdoba, April 17, 1865, *Archivo Mitre. Guerra*, I, 299.

¹²²Urquiza to Mitre, Uruguay, April 19, 1865, *ibid.*, II, p. 114.

¹²³Victorica, *op cit.*, pp. 487-8.

President Mitre is a pet of good fortune, for nothing could render him more popular than the present conjuncture, and his sword will carry in its victorious career, besides the weight of past glories, the irresistible impulse of public opinion in a righteous cause.¹²⁴

Good fortune usually favors those who have skilfully wooed her. Mitre was truly reaping the fruits of a great policy by which when the hour struck he had laid all his enemies at his feet. In the *élan* of the moment the alliance with Brazil became a possibility. As we have seen, Mitre favored the Empire. His Cabinet was strongly in favor of the alliance, but he had held them back because his policy was broadly based on public opinion. Egusquiza recognized this when he sadly wrote home on the day on which he received his fateful telegraphic instructions:

The alliance of this Government with Brazil will within a short time be a fact, since the only one who was awaiting a motive for it was General Mitre.¹²⁵

A council of notables of whom Urquiza was one now assented to the alliance with Brazil. Working against time and before direct instructions had arrived from Rio de Janeiro, Octaviano, the Brazilian Ambassador, constructed the Triple Alliance to which Flores inevitably assented. By April 24 Mitre and Octaviano had reached a confidential understanding on the proposed alliance, and a messenger was dispatched to Flores.¹²⁶ The famous treaty was signed on May 1, 1865, and ratified unanimously by the Argentine Senate and House of Representatives in secret session on May 24. Ratifications were exchanged between Argentina and Brazil on June 12 and between Argentina and Uruguay on June 13, 1865.¹²⁷ The construction of the treaty was doubtless made easier by the fact that Argentina and Brazil conceded each other's fullest claims against Paraguay. The Draconian terms of the famous pact are the measure of the fear inspired by López in his neighbors, who resolved to continue the war until he was finally driven from power.

¹²⁴Editorial, the "Standard" (Buenos Aires), April 18, 1865.

¹²⁵Egusquiza to Berges, Buenos Aires, April 8, 1865, Rebaudi, *op. cit.*, p. 39.

¹²⁶Thornton to Russell, Buenos Aires, April 24, 1865; *Correspondence Respecting Hostilities in the River Plate*, part III, no. 19.

¹²⁷Rebaudi, *op. cit.*, p. 50. Thornton to Russell, Buenos Aires, June 14, 1865, F. O., 6.256, despatch no. 55.

The terms of the Triple Alliance deserve indication. The Preamble declares that events have proved that the peace and security of the three allies is impossible so long as the existing Government of Paraguay is in power. Accordingly by Article VII the allies declared that since the war was directed against the Government and not the people of Paraguay, they would accept the assistance of all Paraguayans who desire the overthrow of that Government. By Article VI they pledged themselves not to lay down their arms until López had been overthrown; and by Article VIII "to respect the independence, sovereignty and territorial integrity of the Republic of Paraguay." Consequently "the Paraguayan people will be able to choose the Government and the institutions that suit them without any one of the allies annexing them or imposing its protectorate on them as the result of the war." Apparently this article was not drafted without certain difficulties of a highly significant character arising. The British Chargé d'Affaires at Montevideo, to whom the Uruguayan Foreign Minister communicated the text of the treaty in confidence, reported to his Government:

Doctor de Castro, on reading over to me the text of the treaty, observed that I could not but be struck with the formal engagements as to the independence, sovereignty, and territorial integrity of Paraguay being respected . . . I have reason to believe that this is a point upon which Brigadier-General Flores insisted very particularly, when at Buenos Aires accompanied by his Minister for Foreign Affairs.¹²⁸

Even more illuminating is the report of the British Minister at Buenos Aires, Thornton, written while the hasty negotiations for the Treaty of the Triple Alliance were in progress:

I had supposed that on the arrival here of Señor Octaviano, the Brazilian Minister, who had come here sooner than he had intended at the invitation of the Argentine Government, negotiations would at once [have] been entered into for a formal alliance with Brazil as regards the war against Paraguay; but at first there was an evident coolness between Señor Octaviano and the Argentine Government. I can only attribute it to the stipulation demanded by the former that both parties should declare that they would respect the independence of the Republic of Paraguay. Both President Mitre and Señor Elizalde have at different times declared to me that for the present they wished Paraguay to be independent, that it would not suit them to annex Paraguay, even if the Paraguay-

¹²⁸Lettson to Russell, Montevideo, June 27, 1865, confidential, F. O., 51.131, despatch no 62.

ans should wish it, but that they were unwilling to make any engagement to that effect with Brazil; for they did not conceal from me that whatever were their present views on this point, circumstances might change them hereafter, and Señor Elizalde, who is about forty years old, said to me one day though in mere conversation that "he hoped he should live to see Dolivia, Paraguay, Uruguay, and the Argentine Republic united in one Confederation, and forming a powerful Republic in South America."¹²⁹

The same tendencies showed themselves in Congress during the debates, in secret session, on ratification. The treaty was submitted to Congress on May 9 and, as we have seen, was ratified unanimously on May 24.

"Some opposition," reported Thornton, "was at first made to it in committee, chiefly on account of the declaration contained in the 8th Article to the effect that Paraguay may not incorporate itself with any one of the allies. This declaration seems to be in contradiction to the 13th Article of the Argentine Constitution, which enacts that 'new Provinces may be admitted into the nation.' The scruples, however, of the opposition were overcome by the arguments of the Minister for Foreign Affairs."

The Congress also expressed the opinion that the treaty should be published, and application was accordingly made to the Brazilian Government to give its consent to such publication.¹³⁰ The Brazilian Government must have taken a more serious view of the possible repercussions of this famous document than did the Argentine Congress, for it evidently refused.

By Article XI, one of the objects of the war was declared to be the freedom of the rivers Paraná and Paraguay to the merchant and war ships of the allies. Article XIV saddled Paraguay, in the event of her defeat, with the whole cost of the war; and Article XVI provided "*en passant*" for the settlement of the disputed frontiers "in order to avoid the discussions and wars to which boundary questions give rise." The boundaries of Argentina and Paraguay were declared to be the rivers Paraná and

¹²⁹Thornton to Russell, Buenos Aires, April 24, 1865, *Correspondence Respecting Hostilities in the River Plate*, part III, no 19. It is worth noting that this dispatch was published by the British Government on June 30, 1865.

¹³⁰Thornton to Russell, Buenos Aires, May 25, 1865, F. O., 6256, despatch no 46.

Paraguay up to Brazilian territory, on the right bank of the Paraguay as far north as the Bahía Negra. In other words, Argentina secured for herself in the event of victory the whole of the Misiones territory and the whole of the vast Chaco. The possession of the latter would give her the entire extent of the right bank of the Río Paraguay in Paraguayan territory. Argentine territory would thus command Asunción. Elizalde felt constrained to define the Argentine position further. The British Minister at Buenos Aires, to whom Octaviano had already communicated the substance of the treaty, wrote:

With reference to Article 16 of the enclosed articles on the subject of the boundaries of Brazil and the Argentine Republic with Paraguay, Sr. Elizalde has stated to me that although the Argentine Government appear to claim the right bank of the river Paraguay as far up as the Brazilian frontier, they are willing to acknowledge that Bolivia has a right to an intervening space from the Brazilian frontier to the river Pilcomayo, and they would even consent upon certain conditions to cede to Bolivia as far down as the river Vermejo; but both the Brazilian and Argentine Governments think it very desirable that Paraguay should at no point have dominion over both banks of the river of that name.¹²¹

Brazil secured the boundary of the Río Apa on the Paraguay side and the Río Iguerey on the Paraná side up to their sources; thence by the shortest line joining their sources by way of the crest of the Sierra Maracajú. In other words, the two great allies granted each other their fullest claims against Paraguay.

By an additional Protocol the alliance provided for the dismantling of Humaitá and the complete disarmament of Paraguay. Article XVIII provided that the treaty be kept secret until its principal object had been secured. This was natural, since it was evident that were the Paraguayan people to know of the treaty, their fortunes would be irrevocably linked to those of their chief. The treaty was directed as much against the Paraguayan nation as against López. Their determination to destroy him is the measure of the fears of his neighbors: but their fears did not obliterate their territorial ambitions. The publication of the treaty in 1866 by the British Government, whose Minister, Lettson, in Montevideo had been given a copy in confidence, not only turned neutral public opinion in South America and elsewhere

¹²¹Thornton to Russell, Buenos Aires, May 11, 1865, confidential, F. O., 6.256, despatch no. 41.

against the allies, but goes far to explain the desperate resistance of Paraguay. The Guaraní people were thereby convinced that their national existence was at stake. López became the embodiment of the national will to live; a will that continued unflinching and heroic for four more ghastly years until it flickered out almost literally with the last man.

The most vigorous recent apologist of Francisco Solano López calls the declaration of war on Argentina the "summit of political folly."¹²² It is impossible to characterize in any other way the deliberate accumulation of enemies. Even if he thought a passage across Corrientes a military necessity and despised Argentine unpreparedness, it should have been obvious that to make war on Argentina and thereby impose on her the Brazilian alliance was to give Brazil what at the moment she did not have—a good base of operations against Paraguay. We must seek the explanation of this fearful aberration in the almost hysterical exaltation of the nation and in the intrigues which undoubtedly led the Marshal President to believe that even if the dissentients of Argentina would not rise first, yet if he were to break the crust with bayonets the Republic would fly to pieces. Berges wrote a few days before war was declared on Argentina:

The troops are full of enthusiasm. They are well disciplined and are on the best war footing. Daily numerous contingents of recruits arrive at the military camps to reinforce the ranks of the army. At this moment we can reckon on 50,000 resolute and enthusiastic men almost all young, impatient to distinguish themselves and to make known their intrepidity and courage. With this class of soldiers my people is invincible.

Paraguay with her present force, with the union and enthusiasm of all her sons, is strong, and it will not be Brazil, whose flag is devoid of glory, nor the Argentine Government, that is impotent to curb the raids from the pampas, nor the revolutionary Flores, who has too much to do in his own home, nor all these heterogeneous elements combined who can fight Paraguay with any probability of success.¹²³

The words seem a sinister echo of the exclamation of López many years before, when attending a review at Paris. Hector Varela was with him and took the liberty of saying something rather disparaging of the Paraguayan soldier. "I would have

¹²²Pereyra, *Francisco Solano López y la guerra del Paraguay*, p. 83.

¹²³Berges to Barciro, Asunción, March 15, 1865, Rebaudi, *op. cit.*, pp. 237-8.

you know, Señor Varela," replied the young General with anger, "that with my Paraguayans I have enough for Brazilians, Argentines and Uruguayans; and the Bolivians too if they are fools enough."¹⁸⁴

And so we come to an end of this tale of passion, tyranny and intrigue. López had his opportunity of proving himself the Napoleon of South America. An immense and sinister will now weighed like an incubus on the fortunes of the great lands of the Río de la Plata. The first rush upon Argentina failed, though the mutinies of Basualdo and Toledo that broke up Urquiza's armies revealed the forces upon whom the great adventurer was relying. Bartolomé Mitre at the head of ever faithful Buenos Aires led the Republic into war against the last stronghold of that *caudillaje* to whose extirpation he had dedicated his life. Upheld by the gold and resources of Brazil, Argentina survived the ordeal of that gigantic struggle. The Republic was welded into unity by blood and iron.

For the humble and heroic peasants of Paraguay was reserved a future of nameless agonies. The terrible leader whose iron will drove them on and infused them with tragic valor gathered into his own person every pulse of the national life, and when he died, sword in hand, on the banks of the Aquidaban, the last of that unwavering band of famished and naked spectres, it seemed, at first that Paraguay was dead, and in a sense she was. The allies were to liberate the Guaranís from their tyrant and to throw open the doors to "modern civilization" in the form of concessions, finance capital, foreign investments and other emanations of the Stock Exchanges of Berlin, London, New York and Buenos Aires. The blessings of *laissez faire* superseded the evils of "paternalism" and, as usual, the peasant became the landless and exploited peon. But all this lay in the future on that dawn when the young recruits felt that it was bliss to be alive or dumbly hated their task-masters.

As to the figures, the puppets whom historians love to watch, who moved in silhouette before that sombre and inarticulate mass of "plundered, profaned and disinherited" humanity, for them Fate reserved in her urn curious and divers destinies. José Berges was to be devoured with many another by the Moloch

¹⁸⁴Fortun de Vera, *Cuentos de tropa*, cited *ibid.*, p. 29.

whose appetite he had served; Antonio de las Carreras carried to Paraguay the pageant of his burning hatreds and in his turn was beaten, tortured, mutilated and horribly slain by the demon he had invoked to save his country from his party enemies; Venancio Flores awaited the assassin's knife; Ex-President Bernardo Berro's throat was cut as a libation to the manes of the "Liberator"; the tears and heroism of his daughters could not save Justo José de Urquiza from the vengeance of the friends of López. But Bartolomé Mitre rode on to attain the abiding glory of a people's love and gratitude and lived to an old age illuminated by the promise of the yet undreamed of greatness of the Argentine Republic. Andrés Lamas was to carry his undimmed courage and unflagging hope through the darkness of the years to come into a distant but serener day. His voice was to be raised yet again pleading for peace, for reason, for the things that make for life against the forces of destruction. To him the Gods had given vision and the will to speak, but not often power. Yet such a man's thoughts and words can never altogether die. Like the Aeschylean Chorus he delivers the verdict from which there is no appeal:

There they forget to hate: their strife
Springs to no fierce rebirth:
The sundered rivers of their life
Mingle in peaceful earth;
And in that dark distempered clay
Too near, too near, in blood are they.

CHAPTER IX

CONCLUSION

A review of the ground we have traversed in this investigation of the origins of the Paraguayan War is sufficient to demonstrate the immense complexity of the forces at work. What emerges most clearly is the fact that the war germinated in the political and economic instability of the states of the Río de la Plata at this period in the history of South America. The uncertain and shifting factors were Argentina, Uruguay and, to a less extent, Brazil.

The national organization of Argentina was at this period incomplete. The struggle between Buenos Aires and the rest of the Argentine provinces was the continuation of the desperate feud between Rosas and the Unitarians. A new chapter had been opened by the battle of Pavón, but up to 1870 it was uncertain whether the successors of the Unitarians would be able to transform the old Confederation into the Argentine nation of their dreams. The Argentine Republic throughout the years immediately preceding the outbreak of the Paraguayan War and during its entire course was in a condition of smouldering civil war. In an indictment of Mitre and the Triple Alliance against Paraguay Senator Oroño asserted that "from June, 1862, to the same month of 1868, one hundred and seventeen revolutions and ninety-one battles had taken place in the [Argentine] provinces with the resulting death of 4,728 citizens."¹

So uncertain was the situation that it seemed possible that the Argentine Republic would dissolve into several separate political entities.

The internal situation in Uruguay was even more confused. The legacy of Oribe's fatal decision to call in Rosas to assist him against his party enemy, Rivera, had been the ferocious struggles of Blancos and Colorados culminating in the *Guerra Grande*. The union of hearts which followed Urquiza's great campaign against Rosas did not last, and two new protagonists took the places of Oribe and Rivera. The struggles of the Blanco, Bernardo P. Berro, and the Colorado, Venancio Flores, convulsed Uruguay

¹Pereyra, *Francisco Solano López y la guerra del Paraguay*, p. 118.

during the '50's and provided an excuse for Brazilian intervention. At Quinteros the Blancos had for the time annihilated their rivals, but the Colorado exiles continued to intrigue and organize raids from their refuges in Buenos Aires and in the Brazilian Province of Rio Grande do Sul.

The legacy of the *Guerra Grande* and the fact of the struggle of Buenos Aires against the Confederation organized by Urquiza after Caseros inevitably brought about a close *rapprochement* between the contending parties in the two republics. In this way the battle of Pavón had a double aspect. It was at once the triumph of Buenos Aires under the leadership of the Liberal successors of the old Unitarians and, in its international aspect, in a sense the victory of the exiled Colorados over their enemies at Montevideo, for by it the friends of the Colorados became masters of the Argentine Republic.

We have seen that the Blancos immediately after Pavón began looking around for allies against the Government of Mitre, whom they regarded as an enemy. Their first overtures to Paraguay were made a year before Venancio Flores sailed from Buenos Aires on his great adventure.

That Mitre tolerated the revolutionary activities of the Colorados operating from Buenos Aires and pursued a hostile policy towards the Montevidean Government is clearly demonstrated by the documents that have been reviewed above. The relations between the two Governments revolved in a vicious circle of mutual misunderstandings. But Mitre was not prepared to invade Uruguay on behalf of Flores, nor has any respectable evidence been produced that he had designs on her integrity or independence. The Blancos, however, after the invasion of Flores, rapidly involved themselves in a web of intrigue against the integrity and unity of the Argentine Republic. That they were goaded to desperation by the revolution assisted from Buenos Aires does not excuse them for ignoring the sane advice of Andrés Bamas, who was convinced that a straightforward policy would easily enable the Montevidean Government to come to a complete agreement with Mitre. Their attitude towards Argentina was suicidal once they had become involved in a grave and ultimately disastrous conflict with Brazil.

We have seen that the attitude of the Empire towards the Montevidean Government during the first phase of the Flores in-

vasion was perfectly correct. Measures were taken to prevent the exiled Colorados from invading Uruguay from Rio Grande do Sul—measures apparently sincere so far as the Government of Rio de Janeiro was concerned, but certainly evaded by the local authorities. Not until the beginning of 1864 did a dramatic change of policy take place. In 1863 Brazil had shown her disapproval of the hostile attitude of the Mitre Government towards the Blancos and Herrera at one moment counted on the intervention of the Empire to protect Uruguay from Argentine hostility.

The great geographer, Reclus, has called Paraguay the "southern extension of the Brazilian state of Matto Grosso."² By the same token, Uruguay might be described as the southern extension of the Brazilian state of Rio Grande do Sul. Brazilians had settled on both sides of the frontier, especially during the disturbed period of the *Guerra Grande* between Rosas with his Blanco allies and the Colorado defenders of Montevideo. Naturally, the settlers maintained close relations with their compatriots over the border. A great return trade in cattle from the Uruguayan ranches sprang up. These settlers resented and resisted the attempt of the national authorities to control and tax their exports to their natural market. Not only did the great magnates of Rio Grande do Sul sympathize with these "outlanders" in Uruguay; they actively coveted the rich frontier territories so largely populated by Brazilians. They had an additional motive for making the quarrel of their countrymen with the Uruguayan authorities their own. Brazil was a slave-owning state; at this period there were about 2,000,000 negro slaves in the country, mostly in tropical regions. The "peculiar institution" did not flourish in the sub-tropical South, where the free European worker began to displace it. But there was another reason. The slaves were continually escaping across the frontier into free Spanish America and for the most part into Uruguay. A situation arose between Brazil and the Río de la Plata, and especially between Rio Grande and Uruguay, similar to that precipitated by the Dred Scott case in the United States.³

²Reclus, *Nouvelle géographie universelle*, XIX, 506.

³Pereyra, *op. cit.*, p. 52.

The Imperial Government had very definite reasons for regarding its great southern state with anxiety. The incorrigible separatism of Rio Grande, which has subsisted to our own day, a separatism based on its distinct economic interests, had already manifested itself in the upheaval associated with the name of the "Republic of Piratinim." The secessionist ambitions of the great magnates were well known to the Government of Rio de Janeiro. The problem before the Emperor was whether, if he refused to undertake the intervention in Uruguay for which these vested interests were clamoring, he could avert another rebellion in Rio Grande. The measure of the magnates' determination was revealed by the intensive propaganda for intervention undertaken by General Netto on behalf of his brother lords of the South. The problem posed suggested the dilemma of a choice between civil and foreign war. The Government of Zacharias de Góes e Vasconcellos decided, probably against the judgment of the Emperor, to compromise with the interventionists by sending Saraiva on a special mission to Montevideo to demand immediate reparation for the Brazilians who claimed to have been plundered or oppressed by local Uruguayan authorities and guarantees against the repetition of such acts for the future. The mission was sent at a moment when Uruguay was convulsed by a civil war in which many Brazilian "outlanders" were in arms against the Government. The ethics of choosing such a moment for presenting demands is at least open to question, but the Imperial Government was cajoled and coerced into taking this step by a suborned public opinion and by the pressure of material interests which it could scarcely afford to disregard.

Saraiva transformed his mission from one for the collection of reparations to one for the internal pacification of Uruguay. The joint mediation of Saraiva, Elizalde, the Argentine Minister of Foreign Affairs, and Thornton, the British Minister at Buenos Aires, between Flores and the Blanco Government seemed at one moment to be on the point of complete success. The effort failed on the question of reconstituting the Montevidean Government under the Blanco President Aguirre either by admitting Colorados into the Cabinet, or by the organization of a government of neutral-minded Uruguayans who would hold the balance between the factions and pacify the country. As Andrés Lamas exclaimed

bitterly, the failure was due to a quarrel over official posts, the spoils of office.

In the meantime extreme counsels had been making headway in the Government of Rio de Janeiro. The interventionists directed a bitter campaign against Saraiva, who received a peremptory order from his Government to demand by an ultimatum the immediate acceptance of the Brazilian demands by the Montevidean Government. This meant that the Imperial Government, which had at first supported Saraiva's efforts at pacification, had capitulated to the interventionists and the magnates of Rio Grande. Coercive measures were put into force, first by a blockade, then by an expeditionary force. That the Imperial Government was now under the influence of the extremists is suggested by the semi-official enquiry made to the American Ambassador at Rio de Janeiro, Watson Webb, as to what attitude the United States would take to the annexation of Uruguay to the Empire.

In the meantime the Montevidean Government lost all sense of reality and deliberately precipitated a complete rupture with the Empire. The cause of the aberrations of the Blanco Government and the final triumph of that desperate element in the party which was bent on a general conflagration in the Río de la Plata must be sought in the foreign policy of Francisco Solano López, who now precipitated Paraguay into the general mêlée.

The personality and ideas of this extraordinary man present immense problems to the investigator. Born to power and enjoying the privileges of a Crown Prince from boyhood, he had succeeded his father as President of Paraguay in 1862 by a sort of disguised hereditary right. He was the heir of the immense powers and political traditions of the semi-plebiscitary dictatorship founded by Dr. Francia and consolidated by his father, Carlos Antonio López. A man of enormous will, boundless pride and intense, one might say Japanese, patriotism, he had been accustomed to the machinery of administration and the conduct of affairs from his earliest teens. He returned from his two years of travel in Europe in 1853 and 1854 a fervent admirer of Napoleon III and of the militaristic despotism which the man of December had founded on the will of the petty Bourgeoisie and

the Napoleonic legend.⁴ He had all his father's contempt for the "anarchists" of Buenos Aires.

"What do you mean by liberty?" he asked Hector Varela. "The kind you have in Buenos Aires? The liberty to insult each other in the press, to kill each other in the district assemblies for the election of Deputies, to keep the nation divided, for everyone to do what he fancies without respect for anyone else?"⁵

He thoroughly approved the economic paternalism represented by the monopoly of yerba, which the Paraguayan Government jealously maintained in the teeth of bitter attacks in those doctrinaire Liberal papers of Buenos Aires which well reflected the opinions of baffled potential exploiters.⁶

He inherited from his two predecessors a profound distrust for the principles and designs of the Porteños, against whom Paraguay had vindicated her right to independence and from whose propaganda of "demagogy" Dr. Francia had defended his people by the drastic means of absolute isolation. Rosas, as we have seen, lived on relatively good terms with Dr. Francia, and his Government met with the approval of Francisco Solano López. "If Rosas," he said to Hector Varela, "had not been a sanguinary tyrant, his strong Government is what would have suited you."⁷ That he was menaced by the "anarchism" of Buenos Aires is proved by the presence there of a revolutionary committee of Liberal Paraguayans. The class that would normally have controlled the economic life of the nation found itself thwarted and hampered at every turn by what amounted to a state monopoly of foreign trade. Its members were faced with the alternatives of accepting their reduced and supervised position, entering the bureaucracy through which López governed the country, or voluntary exile. Opposition within Paraguay was out of the question. An immense and efficient system of espionage made all combination among the independent educated class impossible. The only newspaper in Paraguay was edited by the Government. Practically every aspect of private life came under some form of state regulation (one could not marry without the previous permission

⁴Orion [Hector Varela], *Elisa Lynch*, p. 293.

⁵*Ibid.*, p. 292.

⁶*Ibid.*, p. 294.

⁷*Ibid.*, p. 293.

of the Government), but there is no evidence that the masses of the population resented this paternalism or felt it oppressive. The only class that could provide an alternative government to that of López naturally did, since their economic interests and ambitions were constantly injured by a suspicious Government.

Inevitably the philosophic liberalism of the Argentine Unitarian-Liberals was regarded by the López dynasty as a dangerous infection, from which Paraguay must be preserved at all costs. The Porteños returned the compliment by proclaiming the state that was the first to build a railway in this region of South America as a barbarous *terra incognita* peopled by hyperborean savages. The great achievements of the Paraguayan Government under Francia and Carlos Antonio López in maintaining internal order and external peace; in fostering agriculture and economic development; in organizing even a sketchy educational system, while Argentina, Uruguay, for a time Brazil and most of the other states were convulsed by desperate civil wars and weltered in what appeared to be a condition of endemic civil war have but rarely been justly appraised, for their memorials have vanished like the Jesuit Arcadia. The class that provided the *políticos* in the neighboring states was in Paraguay bent to the service of the Government or suppressed; the victims were not mourned by the Guaraní people.

Yet nineteenth century liberalism was to bear other fruit than anarchy in Latin America. Under Mitre it was to become the inspiration of a national reorganization and the refounding of Argentina. But between the Liberals of Buenos Aires and the strange and formidable Government of Paraguay there could in the end be no genuine appeasement; there was a fundamental conflict of principles. More and more the reactionaries of the Río de la Plata came to look upon Paraguay as the last stronghold against the Liberal Revolution.

Though Dr. Francia's relations with Brazil had been generally friendly and though the Empire supported Carlos Antonio López against Rosas, after the battle of Caseros the relations of Paraguay and Brazil grew steadily worse. The long controversy between the two countries over the Blanco and Apa frontiers embittered Paraguayan feelings and convinced the suspicious President that Brazil was bent on absorbing his country. The Empire

was certainly trying to win as much territory on the Río Paraguay as possible in terms of the never-ending struggle for the all-important river-line. Carlos Antonio López refused to make the sacrifices necessary to come to a final settlement of all outstanding differences with either one of his two neighbors; at the same time he refrained from taking a forward policy, adhering to the tradition of Francia's aloofness. The logic of his attitude demanded extensive military preparations if Paraguay was to vindicate her rights against a possible combination of Buenos Aires and Brazil. These, largely under the insistent pressure of his son, he began.

Francisco Solano López was willing to draw the deduction from which his father shrank and envisage an aggressive war against both Brazil and Argentina, or rather that part of Argentina under the influence of the liberalism of Buenos Aires and exemplified in the leadership of Alsina and Mitre. If we are to believe Hector Varela, he had resolved on such a war as early as 1855.⁸

Both members of the López dynasty expressed a great contempt for the Brazilian *macacos*. It has been a characteristic of the Spanish-Americans to underestimate the courage and abilities of the Portuguese.

Argentina throughout the '50's was in a state of chronic disorder and division which continued beyond Pavón. López II did not believe that Argentina could be reorganized under the leadership of Buenos Aires, but Pavón was an added reason for a forward policy. From the point of view of López the "pavonization" of Argentina spelt a dangerous triumph of those "demagogic" and "anarchic" principles which would disrupt his power if they ever took root in Paraguay.

His hostility to Buenos Aires and Brazil has two aspects. Under one he stands forth as the champion of Spanish America against the political and economic advance of the Empire towards the Río de la Plata. Under the other aspect he stands forth as the head of the international reaction within the Spanish-American world against the advance of the "demagogic" principles of the Argentine Liberals. Hence, his co-operation with the Blancos

⁸*Op. cit.*, pp. 258-9.

was natural enough. They were the Uruguayan party who had called in Rosas against their political enemies. By doing so they identified themselves with the despotism of their great ally. By defending Montevideo against Rosas and the Blancos the Colorados identified themselves with the cause of the Liberal enemies of the Dictator. The Blancos, though theoretically constitutional, became more and more conservative and reactionary. Herrera's dispatches are full of references to "the principle of authority." Berro and Aguirre constantly invoked this fatal formula, invariably used by reactionaries in opposing any kind of reform. Who could represent "the principle of authority" better than Francisco Solano López? So, we have seen the adumbrations of an alliance of López, the reactionary provinces of Argentina and the Blancos in Uruguay against revolutionary Buenos Aires and imperialist Brazil. Clearly we have here the rough sketch of an imperial policy involving the reorganization of Argentina on a reactionary basis; the foreshadowing of a new confederation of which the Sparta of South America, Paraguay, would be the heart, reactionary, despotic, militaristic.

The idea has a certain grandeur, nor did it lack feasibility. But its execution required abilities of the highest order. It was not enough to have a reliable army and unprepared enemies. Foresight and statesmanship were required, and in both López failed lamentably.

He was completely out-manuevered by the masterly diplomacy of Mitre at the very moment when Fate seemed to have placed all the cards in his hand. The quarrel between Argentina and Uruguay over the charges and counter-charges arising out of the Flores invasion and the invitation to intervene extended him by the Blanco Government gave him his opportunity. He so used it as to discredit his potential ally in the eyes of Argentine public opinion and to strengthen Mitre in his resolute refusal to give "explanations" of his policy to any foreign power. By the beginning of 1864 he seemed on the verge of war with Argentina but was not ready to strike. On February 6, 1864, López, through Berges, his Foreign Minister, wound up his official and unofficial negotiations with Mitre and the Argentine Government by a note in which he declared that the Paraguayan Government would "in future be guided by its own appreciations on the significance of

the events that may compromise the sovereignty and independence of Uruguay, to whose fate it cannot be indifferent both from considerations of national dignity and from the point of view of its own interests in the Río de la Plata."¹ The same month he revealed the nature of these "appreciations" on the situation by ordering a general conscription throughout Paraguay. In March he established camps at Cerro-León, Encarnación, Humaitá, Asunción and Concepción. The selection of these widely scattered points shows that Paraguay was to be placed on a complete war-footing. In the nature of things the economic resources of the country could not long bear the burden of a conscription that left the agriculture of Paraguay in the hands of women, children and old men. War with decisive and speedy results or a resounding diplomatic victory that would make Paraguay arbiter of the Río de la Plata were, then, the only alternatives that could justify the immense strain to which López was subjecting his country. It is important to bear in mind that these preparations were directed against the Argentine Government and not against Brazil. All these fateful steps were taken before the decisive debates of April 5 at Rio de Janeiro; before Saraiva received his instructions on April 20 and before the nature of those instructions had been revealed in the first note addressed by Saraiva to the Montevidean Government on May 18, 1864. López, then, had resolved to intervene *manu militari* in the Argentine-Uruguayan imbroglio by February, 1864.

The situation then changed. Brazil intervened, and this time López was ready to follow up his rejected offer of mediation with war and to stand forth with the sympathy of provincial Argentine public opinion against the "slave-holding Empire" as the champion of the rights of an oppressed Spanish-American Republic. Instead, however, of marching to the rescue of Uruguay across the Misiones (a perfectly feasible military operation, as the campaign to Uruguayana proved) at a moment when he had the sympathy of Urquiza, he frittered away precious time invading the defenseless Brazilian Province of Matto Grosso. He thereby abandoned his position of moral superiority and gave the Brazilians (perhaps with the secret assistance of Mitre) time to capture Salto and Paysandú and to advance with Flores on Montevideo.

¹See *ante*, chap. VII, p. 206.

In the meantime Mitre had succeeded in winning the confidence of Urquiza, thereby dislocating the opposition to Buenos Aires within Argentina. Then, at the psychological moment when his great enemy had at last struggled on to firm ground and averted the immediate danger of an internal explosion in Argentina López presented his note demanding the right of transit across the Province of Corrientes, a note that reached Mitre only a fortnight before the Convention of February 20, 1865, swept the Blancos from power and made Flores, the ally of Brazil, master of Uruguay.

The situation was clearly revolutionized. An invasion of Rio Grande do Sul and Uruguay was now impracticable for anyone not sublimely confident in his own powers. Since the cause of the quarrel with Brazil had been eliminated by the terms of the Convention of February 20, 1865, it would have been easy for López to invoke the mediation of Mitre, who had expressed his willingness to give his good offices at any time they might be useful. He held Lower Matto Grosso, and Paraguay was, as experience was to prove, unassailable by way of any frontier except the southwest and the line of the Paraguay. Had he now stood on the defensive, the Empire would soon have found Paraguay impregnable, especially if Mitre had (as he had resolved) compelled the Brazilian fleet to abandon the project of blockading the mouth of the Río Paraguay. As we have seen, such a blockade was illegal under the Argentine-Brazilian Treaty of 1856 and could have been enforced only with the consent of Mitre. Urquiza by his special messenger, Dr. Victorica, urged López to respect Argentine neutrality and pointed out that were he to do so he would put Brazil into a position of great difficulty.

López, however, chose to regard the Argentine refusal to grant his armies passage across the Province of Corrientes as tantamount to a proof that Mitre was allied to Brazil. The Argentine request for an explanation of his military movements in the Misiones he treated as a deliberate insult.

There can be little doubt that López had various understandings with powerful Argentine *caudillos*, but we have seen that he did not rely on a "single dissident" and by February, 1865, had given up hopes of Urquiza. He was famed for his inflexibility and his reluctance to cancel any order he had once given. Since

he seems to have resolved to invade Rio Grande do Sul and Mitre barred the way, he would "go ahead with everything," as he told Victorica. But since he did invade Rio Grande by way of Misiones, we are confronted with the problem of why he demanded a passage across Corrientes.

We still await the publication of documents that will illuminate his relations with the reactionary elements in Argentina. But an examination of the existing evidence suggests that the demand for the right of way through Corrientes was intended to be the reply to Mitre's supposed collaboration with Brazil and to afford an opportunity, in the event of a refusal, for the enemies of Buenos Aires to rise. When López ceased to count on Urquiza he probably felt that, as Herrera had insisted, the Argentine dissentients wanted a lead and a guarantee, and would probably rise at the first successes of Paraguayan arms. His supreme confidence in the war-machine he had perfected made him willing to extort a declaration of war on Argentina from his congress of creatures. Events were to show that by attacking Argentina suddenly and before the declaration of war had reached Buenos Aires López had rallied the whole Argentine nation round the national Government long enough to enable Mitre to construct with Octaviano the famous Treaty of the Triple Alliance and to link the fortunes of his country with Brazil. In the circumstances it was, for the Liberals of Buenos Aires, the one way to make head against the reaction that threatened them within and without. Only if the focus of politico-militaristic reaction in the Río de la Plata could be destroyed would the revolution of Pavón triumph.

López brilliantly surmounted the obstacle caused by his naval weakness. Once he had slipped across the Paraná his land batteries were able to hold back the Brazilian fleet that Mitre had prevented from arriving at Tres Bocas in time. But the ultimate success of the invasion demanded the immediate co-operation of a revolution in Entre Ríos. Urquiza, however, who was ready to support the claim of López to send forces across the Misiones to the Río Uruguay, was not prepared to hand over a populous Argentine province as a battle-ground for Paraguay and Brazil.

Public opinion in the Argentine provinces would not have been outraged by a request for permission to cross the Misiones. Only Mitre and Buenos Aires would have been prepared to refuse it,

and such opposition would have appeared like a pedantic insistence on technicalities in the interests of Brazil. For López to have asked permission to cross the Misiones would have put Mitre into a position of extraordinary difficulty, but we can detect one objection that is likely to have swayed the litigious mind of the Marshal-President. Such a request would have been tantamount to admitting the sovereignty of Argentina over an undefined portion of the disputed region, and this López, unlike his father, was not prepared to concede. He was resolutely resolved to vindicate the most extreme Paraguayan claims to territory. A mere notification of the passage or a passage without notification would have enabled Mitre to appeal to the *amour propre* of his countrymen with every show of reasonableness. So grave a flouting of national dignity is a risky undertaking. Even so, such a course appears far less dangerous than that López actually pursued. He opted for the boldest policy which if successful would have given brilliant results, but in the event of failure spelt almost certain ruin. He counted on a Federal revolution in Argentina in spite of the fact that he no longer nourished hopes of Urquiza. In the course of the following desperate years a number of such revolutions were started in Argentina, but the psychological moment had been lost. López by invading Corrientes temporarily ruined the chances of the Federal conspirators and enabled Mitre to carry through the Brazilian alliance without disaster.

At the same time the nationalism of the Liberals of Buenos Aires, their expansionism which found expression in the much discussed watchword "the reconstitution of the viceroyalty," was revealed by the Treaty of the Triple Alliance. The fact of war with López became the opportunity for the assertion of their extreme claims to territory. Brazil, desperately suing for his alliance, was in no condition to haggle with Mitre over the projected annexation of the whole right bank of the Paraguay as far north as the Bahía Negra—an extension of territory that would have caught Paraguay in the immense scissors of Argentina formed by the Misiones and the Chaco. Later, when the war had been fought and won, Brazil made herself the advocate of Paraguayan rights and successfully maneuvered Argentina out of her pound of flesh. The Treaty of the Triple Alliance throws into strong relief the importance of the boundary question in the complex of events culminating in war.

Paraguay, however, has for too long been regarded as a small country fighting against terrible odds. The truth is that for a brief period a potential Prussia had appeared in South America; a powerful war-machine, despotically controlled, threatened the nascent liberties made possible by Caseros. A candid examination of the facts suggests that López had many chances in his favor when he gambled the future of his country. Had his political and military intelligence been in any way worthy of his iron will, unflagging energy and incomparable tenacity, he would probably have destroyed the Liberal revolution in the Río de la Plata, disrupted Argentina and organized in the great valley a new state deriving its vitality from the principles that had taken root in the Paraguay of the Jesuits and the old régime—principles that Dr. Francia had guarded from the contagion of the “anarchic demagoguery” of Buenos Aires and her Unitarian apostles. From the shoot so carefully nurtured by that somber genius had sprung the Upas tree in whose shade had gathered for a last struggle all the enemies of the Liberal revolution.

APPENDIX A

NOTE ON ANDRÉS LAMAS AND THE PROTOCOL OF OCTOBER 20, 1863

On December 12, 1863, Lettsom suggested in a letter to his colleague, Thornton, at Buenos Aires that one way out of the deadlock between Montevideo and Buenos Aires over the Morcno raid was to extend the Protocol of October 20 (which blotted out all questions unsettled up to that date and provided for the arbitration of the Emperor of Brazil for later disputes) so as to include the date of the raid. On December 19, Thornton replied that Elizalde could not understand why the Montevidean Government refused to accept the Protocol. It had, he asserted, originally provided for arbitration but specified no arbitrator; that "almost immediately afterwards Lamas stated he had received instructions to make it a *sine qua non* that the Emperor of Brazil should be named as a general arbiter; that the Argentine Government yielded to this pretension with the greatest reluctance; and they cannot understand why the Montevidean Government, who insisted upon it, should now refuse to accede to their own proposal." On Lettsom speaking to Herrera on this subject the latter expressed great astonishment and denied that Lamas in his dispatches had ever mentioned the Emperor as a permanent arbiter before the signature of the Protocol. He asserted that in his instructions to Lamas he had mentioned no name of any individual arbiter and had therefore been greatly surprised to receive on October 22 the text of the Protocol. With an emphasis that convinced Lettsom he assured the British Chargé that up to that moment he had not heard a word of the action of Lamas in making the nomination of the Emperor a *sine qua non*. On October 26, 1863, Herrera wrote to Lamas disapproving the nomination of the Emperor but, unaware of this, Loureiro, the Brazilian Minister at Montevideo then on special mission to Buenos Aires, had sent the attaché of the Brazilian Legation with the text of the Protocol to Rio de Janeiro on the mail packet of October 29. By the return packet came the Emperor's acceptance of the nomination. The result as we have seen was the continuance of the deadlock between Argentina and Uruguay and the chilling

of the relations of Uruguay and Brazil. Herrera concluded his recital of events and his denials by saying in reply to Lettsom's remark that Lamas appeared to take an unusual view of his duties, "Es una mentira, todo, Señor, y una picardia de su parte." In the course of the conversation Herrera said that in the projected discussion of outstanding questions between Montevideo and Buenos Aires under the good offices of Thornton, Lamas should not be the Uruguayan representative, "an opinion," wrote Lettsom, "which I told him I thoroughly agreed in, and I added that perhaps this would be the moment to dispense with his services altogether. He replied that I knew his opinion as to Señor Lamas, but there were difficulties in the case. What they are, however, I cannot conjecture."¹

From this curious evidence it emerges that Andrés Lamas forced the inclusion of the Emperor's name as the permanent mediator between Argentina and Uruguay in the Protocol he negotiated with Elizalde. The precipitation with which Loureiro sent it off to Rio de Janeiro without awaiting the agreement of the Montevidean Government and evidently with a request for the Emperor's acceptance of the nomination seems equally to point to his co-operation with Lamas in the framing of the instrument. Lamas had for many years been the Uruguayan representative at Rio de Janeiro and was a pronounced friend of the Empire. He was convinced that the only right policy for Uruguay was to cultivate good relations with both her great neighbors and play them off against each other when necessary. Brazil, as we have seen, was at the moment inclined to view with displeasure and suspicion the semi-official help Flores was receiving from Buenos Aires. The mission of Loureiro filled Elizalde with anxiety and was certainly not inspired by any hostility for the Montevidean Government; rather was the direct opposite the truth. Lamas therefore capitalized the diplomatic situation by insisting on the nomination of the Emperor. He had also in all probability another motive—the desire to bar out López from any share in the negotiations. Not without reason did the Paraguayan chief regard Lamas as an enemy. The latter was aware of the fatal

¹Lettsom to Russell, Montevideo, December 23, 1863, F. O., 51.121, despatch no. 95.

orientation of Herrera towards Asunción, an orientation that spelt courting the hostility both of Brazil and Argentina. The Protocol of October 20 was a brilliant attempt to set Uruguayan policy once more on an even keel. In a letter to Herrera the great patriot defined and defended his policy:

La designacion previa del arbitro importa una distinción que no puede ser justificada sinó por motivo muy especial, y que ese motivo solo se encuentra en el Emperador del Brasil por ser Gefe del único Estado que es limitrofe comun de las dos partes que celebran el Acuerdo, y á las cuales conviene que exista uniformidad de doctrina sobre las dos fronteras de la República de cuyas perturbaciones se trata.

Que fuera de esa situación escepcional, y que por escepcional justifica la designacion hecha, la distinción previa seria meramente personal é indicaria un juicio de superioridad ó de preferencia en que el Gobierno Argentino no cree conveniente comprometerse sin que esta reserva, que es debida a los Gefes de los otros Estados vecinos ó amigos, indique su falta de consideración por el Presidente del Paraguay ni desconocimiento de sus distinguidos cualidades.²

In his indignant denials to Lettsom that he had ever authorized the nomination of the Emperor as arbitrator in all future disputes between Uruguay and Argentina Herrera refrained from telling his interlocutor that the Montevidean Government had tried to insert the name of López into the Protocol as co-arbitrator with the Emperor and that the rejection of this proposal by the Argentine Government was the immediate cause of the failure of the Protocol.

²Lamas to Herrera, Buenos Aires, November 4, 1863, in Lamas, *Tentativas para la pacificación*, p. 21.

APPENDIX B

DESPATCH OF EDWARD THORNTON TO LORD RUSSELL ON THE CONDITION OF PARAGUAY, ASUNCIÓN, SEPTEMBER 6, 1864

Nº. 76.

Assumption, September 6th, 1864

Confidential

My Lord,

I have been sorry to observe during my short stay in this Town that the Government of the Republic has not improved during the rule of its present Chief Magistrate. Despotic as it was during the Presidency of the father, it has certainly become even more tyrannical since his son came into power. The same inquisitorial system is carried on in its fullest extent. The number of Spies is immense; indeed there is not an individual in the Republic who is not taught that it is his duty towards his Country and an obedience which he owes to the Authorities, constantly to give a faithful Report of the Private actions and words of his neighbours. Families are well aware that their servants pay constant visits to the Police Office for the purpose of giving an account of all that passes in their house, and they know that any remonstrance on their part would immediately be followed by false denunciations which might endanger their liberty, and expose them to the severest punishments. Even in the presence of their children they dare not give expression to their thoughts. The town is filled with Police, who peer into every house, and at night even interrogate any solitary passer by as to who and what he is, whence coming and whither going. The steps of any suspected person are dogged, and even at the door of the Room in the Club where I lived, was stationed a man in the common dress of the Country who some of my Paraguayan friends told me was a spy, and who watched and of course duly reported everyone who came to see me. I have the honour to enclose the original report of one of the Police Officers which was accidentally picked up by an Englishman near the Police Office. It contains the report of several nightwatchmen, one of whom states that Dr. Barton

passed by at such an hour of the night accompanied by the French Consul. Upon these gentlemen comparing notes it turned out that it was not the French Consul, but another Englishman, Mr. Atherton, who was with Dr. Barton. But your Lordship may conceive what a system it is, when it is thought worth while to report such petty details.

The prisons are filled with so called political prisoners, many of them of the best families; there are among them four Priests who were imprisoned at the time of the President's Election, charged with having attempted to get up a Revolution. The most obnoxious of them, Father Maes,¹ is represented as a man of considerable talent and was at school with the President, to whom he was invariably superior. This man has been kept in confinement ever since, loaded with heavy fetters, and the miserable food which is allowed, is thrown to him on the ground. Several ladies too, who have been reported to have made disparaging remarks about the President, have been banished to distant Villages inhabited only by Indians, and one unmarried lady so exiled has been forced to live without any shelter but that of a tree.

During the late recruiting for soldiers, a sergeant was attacked and illtreated by his recruits. The Judge of the Peace of the District made no report of the matter, and for this offence he is being kept a Prisoner under guard in an open field, without shelter, chairs or table.

The President looks into and directs everything; not a man, even one of his Ministers, nor a girl of any class who has arrived at the age of puberty, would dare to oppose his Excellency's wishes whatever they might be; and I hope your Lordship will not think me calumnious when I declare my conviction that not a man in the Republic, from the ministers downwards, would refuse to perjure himself at the order of the President. No one is allowed even to marry without His Excellency's permission and I know of a young Argentine who has been pertinaciously asking for leave to marry a Paraguayan for the last six months and has not yet been able to obtain it. His Excellency's system seems to

¹Fidel Maiz, afterwards released by López and employed by him as President of the Commission to enquire into and suppress the "conspiracy" of 1868, in which capacity he became notorious as the Grand Inquisitor of Paraguay. He published his memoirs in 1919.

be to depress and humiliate; if a man shows a little more talent, liberality, or independence of character, some paltry excuse is immediately found for throwing him into prison; if there be a chance of enriching himself, means are always at hand to impoverish him. With the exception of the President's family no one possesses even a moderate fortune, and one of his own brothers who has incurred his displeasure, is in vain attempting to get rid of his property at any sacrifice.

Justice there can be none where the Judges are unpaid and are the most servile instruments of the President, where his Excellency revises every sentence, and even when it has been given out, sometimes reverses it.

Taking everything into consideration the taxes are enormously high. The Import duties on almost all articles are 20 or 25 per cent *ad valorem*; but as this value is calculated upon the market price of the articles duty paid it frequently amounts to from 40 to 45 per cent on the invoice price. The export duties are from 10 to 20 per cent on the value. A tithe in kind is imposed upon every sort of agricultural and animal produce, and the Collectors always take care that their tithe is worth more than any other tithe in the hundred. Every merchant, small trader, or manufacturer has to pay a heavy license, amounting to about seventy Dollars or about seven pounds, fifteen shillings and nine pence per annum. Stamped paper is a great source of revenue, the smallest account and even a permit to take your Portmanteau with you, must be made out on stamped Paper. But imposts which weigh very heavy upon the poorer classes, are forced labour, the use of carts and animals without remuneration for the public service, and the taking of cattle and other food for the army without payment. The forced labour is the most severe of these, for the construction of any public building, such as a Church, and even a private house which is being built for the President, the necessary number of labourers is taken without scruple, and nothing is given them but scanty food.

During the last six months the President has ordered every adult who had not previously served in the Army, to be brought under military discipline, and a camp has been formed where about twenty six thousand of these new levies are assembled. Many of the men are not more than fourteen years old, and gen-

erally speaking they are extremely ignorant both of military and every other sort of instruction. The reason given for this measure is the hostile attitude of Brazil towards the Republic of the Uruguay, but I suspect the principal motive is the constant fear the President has of a Revolution being attempted in his own Country. These recruits receive no pay, but are supplied with clothing to the value of about seven Dollars (twenty shillings) per annum. The cattle for feeding them are taken from the proprietors without payment, and the hides, which are not given back, are tanned by the soldiers; the hides thus tanned are worth about six Dollars a piece, and as it is fair to suppose that each soldier consumes about two animals in the year, the Government gain upon each Soldier about five Dollars which is the difference between the value of the clothing supplied and of the two hides. The Soldiers who garrison the Towns, are not fed, but receive instead four Dollars a month (about eleven shillings and four pence) half of which is paid in money and the other half by an order on the Government stores. Of course the sum is not sufficient for their maintenance, and the women of their respective families are obliged to help them.

The President's birthday was on the 24th July last. Ever since that day the population of Assumption and of many other Towns in the Republic have been forced to devote themselves to banquets, balls, and other festivities, and the Diplomatic Body and other Foreigners are asked to believe that these are spontaneous effusions proving the enthusiasm of the people in favour of the President. A few days ago a Mass was celebrated at the expence of the Ladies of the Town for the prosperity and welfare of the President, and on the same evening a Ball was given in honour of his Excellency. At the Mass a sermon was preached by the Bishop in which an amount of eulogium and adulation was heaped upon the President amounting almost to blasphemy, indeed the adoration due to His Excellency is the principal, if not almost the only, topic of the preaching of the Clergy. At the Ball speeches were made to the President by several of the Ladies, the flattery contained in which was beyond description. To defray the expences of these festivities, all classes were called upon to subscribe, even the Political prisoners were not forgotten, and these unhappy men hoping that by this means their release

might be hastened, put down their names for large sums. They too were induced to go through the mockery of having a Mass solemnized, at which they prayed for the happiness of the Chief Magistrate who had condemned them to perpetual misery. No Ladies had the courage to absent themselves from the Ball, two were there whose father had died the day before but this affliction did not serve to excuse them. A Booth was erected in one of the Public Squares where the lower classes were made to dance, sentries were stationed to prevent the women from going away, even when they were tired. One poor creature who observed that it was hard to be forced to dance when they were starving, was carried off to the Police Office and punished by a hundred blows (azotes) given with a cane, several others were banished to the interior for similar offences.

Anxious as the President is that his fellow Citizens should not trouble themselves with Political matters, he cares little how much they may be addicted to vices of all kinds, and the immorality that pervades the Country is extreme. His Excellency himself shows but a bad example; besides a number of his Countrywomen who have yielded perhaps most reluctantly, to his desires, there is an Englishwoman, calling herself Mrs. Lynch, who followed him from Paris in 1854. This woman has been living nearly ever since at Assumption in comparatively speaking the greatest splendour.

She certainly possesses considerable influence with the President, and her Orders, which are given imperiously, are obeyed as implicitly and with as much servility as those of his Excellency himself. She it has been who has brought about and arranged the festivities to which I have alluded. It is possible that as years creep on, she feels that her influence diminishes, and to this feeling may be partly attributed her exertions, that honour may be done to His Excellency. I need hardly tell your Lordship with what profound and bitter hatred she is looked upon by the native Ladies.

The President has frequently claimed, even to myself, that in consequence of the long continued peace which has existed in the Republic, the population has encreased very considerably and that it now exceeds two millions. Upon this point there are no precise data, and any calculation must to a certain extent be founded

upon conjecture. The persons however who are best able to form an opinion, assure me that on the contrary the population is diminishing. This may perhaps be attributed to the promiscuous intercourse of the sexes and the great immorality which exists in Paraguay. It is said that the women are much more numerous than the men, and that this disproportion arises from the number of males who are destroyed by being forced to the severest labour with scanty food long before they have arrived at their full strength. The President *has* no doubt been lately most anxious to get together all the men in the Republic capable of bearing arms, and the authorities have done their best to meet his wishes. Yet as far as I can discover, there are not at the utmost more than forty thousand men under arms, many of whom are not above fourteen years old. Allowing then the possibility of collecting fifty thousand, and supposing that this must form an eighth part of the whole population, this cannot exceed four hundred thousand souls. I have little opinion of the military knowledge of the Paraguayan Officer, or of the skill of the soldier in the management of fire arms, but they are certainly imbued with one good quality, that of blind obedience.

After the imperfect picture with which I have troubled your Lordship of the Political state of this Republic, it might be supposed that such a tyranny, as I do not hesitate to call it, could not long be endured. I do not think however that any change is imminent. The great majority of the people are ignorant enough to believe that there is no country so powerful or so happy as Paraguay, and that they are blessed with a President who is worthy of all adoration. The rule of the Jesuits, of the Dictator Francia, and of the Lopez's father and son, have imbued them with the deepest veneration for the authorities. There may be three or four thousand who know better and to whom life is a burthen under such a Government. Amongst these there is such an utter want of confidence in each other that no combination seems possible, and I do not believe that there is any one man who would dare to confide his feelings with regard to the Government to his Brother or his dearest friend, lest he should be denounced.

If at length a revolution should take place, it would be probably brought about by the Paraguayans who are now being educated

in Europe, or would be the result of a Foreign invasion, or of the Paraguayan Army making a Campaign abroad.

But, even so, it would be very doubtful whether a violent change would not bequeath a ruinous state of anarchy for many years, for so much has education and the acquirement of knowledge been neglected and even repressed in Paraguay, that I see no one who is capable of taking a lead in the affairs of the State and still less of obtaining a predominant influence over his Countrymen.

I have felt it necessary to mark this despatch "Confidential" for your Lordship may easily conceive that the Publication of it would render Assumption no pleasant residence for me, or even for any other English Ministers and that the possibility of being useful to my countrymen with the Paraguayan Government would be much diminished by its contents being known.

I have the honour to be with the
highest respect,
My Lord,
Your Lordship's most obedient
Humble Servant
Edw^d. Thornton

Right Honorable
The Earl Russell K.G.
&c. &c. &c.

[Endorsed] 1864.
Assumption. September 6th
Mr. Thornton
No. 76.
Confidential.
1 Inclos.

Rec^d. Nov. 6.
By R.M.S. Mersey.
Present state of Paraguay.
Tyranny practised by the
President on the Citizens.

(F.O. 63,110. N^o. 76.)

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For their completeness, the early reports of the Brazilian Ministers of Foreign Affairs, the *Relatorios* with their long *Annexos* of state papers must be mentioned first. The parallel series of annual *Memorias* issued by the Argentine and Uruguayan ministries are similarly vital for any survey of the foreign policies of those countries, though they are not so exhaustive as the Brazilian series.

The obscure problem of the relations of the Uruguayan and Paraguayan Governments between 1862 and 1864 was illuminated by the publication of the correspondence of Juan José de Herrera, the Blanco Foreign Minister during these critical years, with the Uruguayan ministers and agents in Asunción, and of his own dispatches during his special mission to Paraguay in 1862. His dispatches and the reports of the successive Blanco ministers in Asunción were included in the three-volume work of his son, Luis Alberto de Herrera, *La diplomacia oriental en el Paraguay*, Montevideo, 1908-1919.

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For the foreign policy of Mitre the collection of his papers in 25 volumes under the title *Archivo del General Mitre*, Buenos Aires, 1911-1913, is an invaluable source. In the section devoted to the Paraguayan War the correspondence of Francisco Solano López and Mitre in 1863 and 1864 is reprinted.

The many problems connected with the motives and policy of Francisco Solano López between his election to the Presidency of

Paraguay in October, 1862, and the outbreak of war with Brazil in November, 1864, and with Argentina in April, 1865, were illuminated by the extensive *corpus* of documents published by A. Rebaudi under the title *La declaración de guerra de la República del Paraguay á la República Argentina. Misión Luis Caminos, Misión Cipriano Ayala. Declaración de Isidro Ayala*, Buenos Aires, 1924. Unlike so many Argentine, Brazilian and Paraguayan authors, Rebaudi breaks away from the vague, verbose and partisan declamation of his predecessors and contributes the texts of vital documents instead of garbling them. His introduction is brief and scientific. Among other collections he prints for the first time the letters written between May 6, 1863, and December 9, 1864, by Berges, the Paraguayan Foreign Minister, to Felix Egusquiza, the Paraguayan Confidential Agent in Buenos Aires. Also those of López to Egusquiza between January 21 and December 24, 1864. A large collection of the letters of López to Gregorio Benites, the Secretary of Legation, and Candido Barciro, the Chargé d'Affaires of Paraguay in Paris, written between 1862 and 1865 is also included.

The two-volume *History of Paraguay with Notes of Personal Observations and Reminiscences of Diplomacy under Difficulties*, New York, 1871, by Charles Ames Washburn, Commissioner and Minister of the United States in Paraguay from 1861 to 1868, is of great value but was written largely as a defense against the censure he received from the Congressional Commission of Enquiry into his conduct in Paraguay and the reasons for his estrangement from and possible participation in a conspiracy against López. An examination of his dispatches in the archives of the State Department, Washington, D. C., reveals that during the negotiations preceding the outbreak of war between Brazil and Paraguay, he sympathized to some extent with the foreign policy of López. His book is written largely in the light of the reign of terror inaugurated by López in 1868 on his discovery of the "conspiracy."

The controversial literature in Spanish and Portuguese is enormous and of only incidental value. Of secondary accounts perhaps the best are the Portuguese translation from the German of L. Schneider's three-volume history of the war under the title *A guerra da Triplíce Aliança*, Rio de Janeiro, 1875-1876, 2 vol-

umes, with notes by José Maria da Silva Paranhos, and Nabuco's *La guerra del Paraguay*, Paris, 1901 (Spanish translation from the Portuguese). Díaz, *Historia política y militar de las repúblicas del Plata, desde el año de 1828 hasta el de 1866*, 11 volumes, Montevideo, 1877-1878, is richly documented. In English Robertson's *History of the Latin-American Nations*, New York, 1925, covers the entire history of these lands up to the present day.

Helio Lobo has published a thoroughly scientific study of the origins of the war under its Brazilian aspects in his *Antes da Guerra (A missão Saraiva ou os preliminares do conflicto com o Paraguay)*, Rio de Janeiro, 1914, and in *As portas da guerra (Do ultimatum Saraiva, 10 de agosto de 1864, a convenção da Villa União, 20 de fevereiro de 1865)*, Rio de Janeiro, 1916.

The history of Paraguay since her emancipation from Spain is still but slightly explored. No scientific history of the Francia period exists. However, there is an excellent brief monograph by Cecilio Báez, *Ensayo sobre el doctor Francia y la dictadura en Sud-America*, Asunción, 1910, and an important study of the genesis of Paraguayan independence based on inedited documents by Blas Garay, *La revolución de la independencia del Paraguay*, Madrid, 1897. The author demonstrates the decisive part played by Dr. Francia in converting the defense against Belgrano into a national revolution. The period is admirably covered in Blas Garay's short history of Paraguay, *Compendio elemental de historia del Paraguay*, Asunción, 1915. The short life of Francia, *El dictador del Paraguay doctor José Gaspar Rodríguez de Francia*, Concordia, Entre Ríos, 1923, edited by J. Boglich, compiled by Wisner (a military engineer and surveyor, one of the European experts employed by C. A. López) in 1864, on the orders of F. S. López and based on the testimony of those who had known the Dictator and on the archives of Paraguay is of great interest and value. Báez has also written a short general history of Paraguay based on documents, *Resumen de la historia del Paraguay desde la época de la conquista hasta el año 1880*, Asunción, 1910. José Secundo Decoud published a useful bibliography of Paraguayan history under the title, *A List of Books, Magazine Articles, and Maps Relating to Paraguay*, Washington, D. C., 1904.

This investigation has been based largely on the published sources roughly indicated above, on the materials examined in the

Bureau of Indexes and Archives in the Department of State, Washington, D.C. and on the Foreign Office correspondence of the British Government at the Public Record Office, London. An important selection of the relevant correspondence of 1864 and 1865 was published by the British Government in three Parliamentary Papers in 1865. Secondary accounts have been used in general only for the period before the crisis that culminated in the outbreak of war. In view of the obscurity of the subject it has been thought desirable to make the bibliography as full as possible. For this reason many works will be found listed that have not been cited in the notes nor used by the author in the preparation of this study.

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